

State of Illinois 91st General Assembly Final Senate Journal

SENATE

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SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FIRST GENERAL ASSEMBLY

14TH LEGISLATIVE DAY

TUESDAY, MARCH 2, 1999

12:00 O'CLOCK NOON

The Senate met pursuant to adjournment.
Honorable James "Pate" Philip, Wood Dale, Illinois, presiding.
Prayer by Pastor Eric Hansen, First Assembly of God Church,
Springfield, Illinois.
Senator Sieben led the Senate in the Pledge of Allegiance.

Senator Myers moved that reading and approval of the Journals of
Wednesday, February 24, 1999, Thursday, February 25, 1999 and Friday,
February 26, 1999 be postponed pending arrival of the printed
Journals.

The motion prevailed.

REPORTS RECEIVED

The Secretary placed before the Senate the following reports:

A report listing educational mandates enacted in the 1998
legislative session, along with a description of each and a cost
estimate submitted by the State Board of Education as required by 105
ILCS 5/2-3.104.

A report on the Day Care Plan submitted by the Illinois State Board of Investment in accordance with Public Act 87-552.

A report on Day Care Guidelines submitted by the Illinois Office of Banks and Real Estate pursuant to Public Act 87-552.

A report covering activities for the fiscal year ended June 30, 1998, submitted by the Illinois Housing Development Authority as required in Illinois Compiled Statutes, Chapter 20, Paragraph 3805/5.

A report on the Flexible Work House Plan submitted by the Department of Nuclear Safety in compliance with Public Act 87-552.

A report on the policy to reduce the need for child care of

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employees' children outside the home submitted by the Illinois Criminal Justice Information Authority as required by Public Act 87-552.

The foregoing reports were ordered received and placed on file in the Secretary's Office.

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 109

Senate Amendment No. 1 to Senate Bill 257

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 20

Concurred in by the House, February 26, 1999.

ANTHONY D. ROSSI, Clerk of the House

REPORTS FROM STANDING COMMITTEES

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate Bill No. 55** reported the same back with the recommendation that the bill do pass.

Under the rules, the bill was ordered to a second reading.

Senator R. Madigan, Chairperson of the Committee on Insurance and Pensions to which was referred **Senate Bill No. 363** reported the same back with amendments having been adopted thereto, with the recommendation that the bill, as amended, do pass.

Under the rules, the bill was ordered to a second reading.

Senator Dillard, Chairperson of the Committee on Local Government to which was referred **Senate Bills numbered 6, 206, 380 and 430** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **Senate Bills numbered 44, 82, 321, 322 and 323** reported the same back with the recommendation that the bills do pass.

Under the rules, the bills were ordered to a second reading.

Senator Syverson, Chairperson of the Committee on Public Health and Welfare to which was referred **Senate Bills numbered 10, 13 and 117** reported the same back with amendments having been adopted thereto, with the recommendation that the bills, as amended, do pass.

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Under the rules, the bills were ordered to a second reading.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 51

Offered by Senator Lauzen and all Senators:
Mourns the death of Steven Sheffer.

The foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Bowles offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 52

WHEREAS, The current financial crisis in Asia, Russia, and other regions has involved a massive depreciation in the currencies of several key steel-producing and steel-consuming countries, along with a collapse in the domestic demand for steel in these countries; and

WHEREAS, The crisis has generated and will continue to generate surges in United States imports of steel, both from the countries whose currencies have depreciated in the crisis and from steel-producing countries that are no longer able to export steel to the countries in economic crisis; and

WHEREAS, United States' imports of finished steel mill products from Asian steel producing countries, including the People's Republic of China, Japan, South Korea, India, Taiwan, Indonesia, Thailand, and Malaysia, have increased by 79% in the first 5 months of 1998

compared to the same period in 1997; and

WHEREAS, Year-to-date imports of steel from Russia now exceed the record import levels of 1997 and steel imports from Russia and Ukraine now approach 2,500,000 net tons; and

WHEREAS, Foreign government trade restrictions and private restraints of trade distort international trade and investment patterns and result in burdens on United States commerce, including absorption of a disproportionate share of the diverted steel trade; and

WHEREAS, The European Union, for example, despite also being a major economy, in 1997 imported only one-tenth as many finished steel products from Asian steel-producing countries as the United States did and has restricted imports of steel from the Commonwealth of Independent States, including Russia; and

WHEREAS, The United States is simultaneously facing a substantial increase in steel imports from countries within the Commonwealth of Independent States, including Russia, caused in part by the closure of Asian markets; and

WHEREAS, The United States, through the International Monetary Fund, generously participates in a bailout of the crisis countries on terms that do not deter and, in fact, encourage them to export their way out of the crisis; and

WHEREAS, There is a well-recognized need for improvements in the enforcement of United States trade laws to provide an effective response to these situations; and

WHEREAS, Increased imports of steel and steel products from foreign countries will have a negative effect on the steel industry in Illinois and throughout the Midwest; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FIRST GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the President of the United States to immediately review the entry into the customs territory of the United States of all steel products that are the produced or

manufactured in Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil; and be it further

RESOLVED, that if the President of the United States finds that the governments of Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, or Brazil are not abiding by the spirit and letter of international trade agreements with respect to imports of steel products into the United States, we urge the President to immediately impose a one-year ban on the imports of all steel products that are produced or manufactured in that non-abiding country; and be it further

RESOLVED, that a suitable copy of this resolution be delivered to the President of the United States.

At the hour of 12:30 o'clock p.m., Senator Watson presiding.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Radogno, **Senate Bill No. 30** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 30 on page 1, line 5, by replacing "Sections 55 and 95" with "Sections 15, 55, and 95"; and on page 1, immediately below line 5, by inserting the following:

"(225 ILCS 106/15)

Sec. 15. Exemptions.

(a) This Act does not prohibit a person legally regulated in this State by any other Act from engaging in any practice for which he or she is authorized as long as he or she does not represent himself or herself by the title of respiratory care practitioner. This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of respiratory care as long as these practitioners do not represent themselves as or use the title of a respiratory care practitioner.

(b) Nothing in this Act shall prohibit the practice of respiratory care by a person who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of the employee's official duties.

(c) Nothing in this Act shall be construed to limit the activities and services of a person enrolled in an approved course of study leading to a degree or certificate of registry or certification eligibility in respiratory care if these activities and services constitute a part of a supervised course of study and if the person is designated by a title which clearly indicates his or her status as a student or trainee. Status as a student or trainee shall not exceed 3 years from the date of enrollment in an approved course.

(d) Nothing in this Act shall prohibit a person from treating ailments by spiritual means through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination.

(e) Nothing in this Act shall be construed to prevent a person who is a registered nurse or a certified registered nurse anesthetist or a licensed practical nurse from providing respiratory care.

(f) Nothing in this Act shall limit a person who is credentialed by the National Society for Cardiopulmonary Technology or the National Board for Respiratory Care from performing pulmonary function tests and related respiratory care procedures for which appropriate competencies have been demonstrated.

(g) Nothing in this Act shall prohibit the collection and analysis of blood by clinical laboratory personnel meeting the personnel standards of the Illinois Clinical Laboratory Act.

(h) Nothing in this Act shall limit the activities of a person who is not licensed under this Act from performing respiratory care if he or she does not represent himself or herself as a respiratory care practitioner.

(i) Nothing in this Act shall prohibit qualified members of other professional groups, including but not limited to nurses, from performing or advertising that he or she performs the work of a respiratory care practitioner in a manner consistent with his or her

training, or any code of ethics of his or her respective professions, but only if he or she does not represent himself or herself by any title or description as a respiratory care practitioner.

(j) This Act does not prohibit a hospital, nursing home, long-term care facility, home health agency, health system or network, or any other organization or institution that provides health or illness care for individuals or communities from providing respiratory care through practitioners that the organization considers competent. These entities shall not be required to utilize licensed respiratory care practitioners to practice respiratory care when providing respiratory care for their patients or customers. Organizations providing respiratory care may decide who is competent to deliver that respiratory care. Nothing in this Act shall be construed to limit the ability of an employer to utilize a respiratory care practitioner within the employment setting consistent with the individual's skill and training.

(Source: P.A. 89-33, eff. 1-1-96.)"; and

on page 1, by replacing lines 11 through 17 with the following:

"unless he or she is licensed under this Act. Individuals who have been licensed respiratory care practitioners in any jurisdiction and who are seeking to practice respiratory care in this State must apply for licensure within 45 days after beginning employment within the State."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, **Senate Bill No. 34** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Weaver, **Senate Bill No. 52** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 52 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 18-150 as follows:

(35 ILCS 200/18-150)

Sec. 18-150. Extension in one total. In counties with 3,000,000 or more inhabitants, the county clerk shall, and in all other counties the county clerk may, extend on each valuation of property the sum of the taxes to be extended upon the property in one total. When collected, the taxes shall be divided among the taxing bodies

levying the same in proportion to the rates as determined by the clerk, after deducting from any tax the amount or amounts, if any,

ruled invalid by the final judgment of a court of competent jurisdiction, and in the event a municipality has adopted tax increment financing under Division 74.4 of Article 11 of the Illinois Municipal Code, after deducting from any tax, except from a tax levied by a township to retire bonds issued to satisfy court-ordered damages, the amount to be placed in the special tax allocation fund, and distributing the amount to be placed in the special fund to the municipal treasurer under Section 11-74.4-8 of that Act. The clerk shall certify in the collector's books the rates as determined for extension in such manner as to indicate the different taxes entering into each total. All officers dealing with such extensions, shall record them by totals. The clerk shall show in the collector's books the total tax due each taxing body as extended.

If (i) a county clerk does not extend in one total on each valuation of property the sum of the taxes to be extended upon the property and (ii) a municipality has adopted tax increment financing under Division 74.4 of Article 11 of the Illinois Municipal Code, then the clerk may not deduct the amount to be placed in the special tax allocation fund from a tax levied by a township to retire bonds issued to satisfy court-ordered damages.

(Source: P.A. 79-1525; 88-455.)

Section 10. The Illinois Municipal Code is amended by changing Section 11-74.4-8 as follows:

(65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

Sec. 11-74.4-8. A municipality may not adopt tax increment financing in a redevelopment project area after the effective date of this amendatory Act of 1997 that will encompass an area that is currently included in an enterprise zone created under the Illinois Enterprise Zone Act unless that municipality, pursuant to Section 5.4 of the Illinois Enterprise Zone Act, amends the enterprise zone designating ordinance to limit the eligibility for tax abatements as provided in Section 5.4.1 of the Illinois Enterprise Zone Act. A municipality, at the time a redevelopment project area is designated, may adopt tax increment allocation financing by passing an ordinance providing that the ad valorem taxes, if any, arising from the levies upon taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 each year after the effective date of the ordinance until redevelopment project costs and all municipal obligations financing redevelopment project costs incurred under this Division have been paid shall be divided as follows:

(a) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(b) Except from a tax levied by a township to retire bonds issued to satisfy court-ordered damages, that portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the project area shall be allocated to and when collected shall be paid to the municipal treasurer who shall deposit said taxes into a

special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs

and obligations incurred in the payment thereof. In any county with a population of 3,000,000 or more that has adopted a procedure for collecting taxes that provides for one or more of the installments of the taxes to be billed and collected on an estimated basis, the municipal treasurer shall be paid for deposit in the special tax allocation fund of the municipality, from the taxes collected from estimated bills issued for property in the redevelopment project area, the difference between the amount actually collected from each taxable lot, block, tract, or parcel of real property within the redevelopment project area and an amount determined by multiplying the rate at which taxes were last extended against the taxable lot, block, track, or parcel of real property in the manner provided in subsection (c) of Section 11-74.4-9 by the initial equalized assessed value of the property divided by the number of installments in which real estate taxes are billed and collected within the county, provided each of the following conditions are met:

(1) The total equalized assessed value of the redevelopment project area as last determined was not less than 175% of the total initial equalized assessed value.

(2) Not more than 50% of the total equalized assessed value of the redevelopment project area as last determined is attributable to a piece of property assigned a single real estate index number.

(3) The municipal clerk has certified to the county clerk that the municipality has issued its obligations to which there has been pledged the incremental property taxes of the redevelopment project area or taxes levied and collected on any or all property in the municipality or the full faith and credit of the municipality to pay or secure payment for all or a portion of the redevelopment project costs. The certification shall be filed annually no later than September 1 for the estimated taxes to be distributed in the following year; however, for the year 1992 the certification shall be made at any time on or before March 31, 1992.

(4) The municipality has not requested that the total initial equalized assessed value of real property be adjusted as provided in subsection (b) of Section 11-74.4-9.

It is the intent of this Division that after the effective date of this amendatory Act of 1988 a municipality's own ad valorem tax arising from levies on taxable real property be included in the determination of incremental revenue in the manner provided in paragraph (c) of Section 11-74.4-9. If the municipality does not extend such a tax, it shall annually deposit in the municipality's Special Tax Increment Fund an amount equal to 10% of the total contributions to the fund from all other taxing districts in that year. The annual 10% deposit required by this paragraph shall be limited to the actual amount of municipally produced incremental tax revenues available to the municipality from taxpayers located in the redevelopment project area in that year if: (a) the plan for the area restricts the use of the property primarily to industrial purposes,

(b) the municipality establishing the redevelopment project area is a home-rule community with a 1990 population of between 25,000 and 50,000, (c) the municipality is wholly located within a county with a 1990 population of over 750,000 and (d) the redevelopment project area was established by the municipality prior to June 1, 1990. This payment shall be in lieu of a contribution of ad valorem taxes on real property. If no such payment is made, any redevelopment project area of the municipality shall be dissolved.

If a municipality has adopted tax increment allocation financing by ordinance and the County Clerk thereafter certifies the "total initial equalized assessed value as adjusted" of the taxable real

property within such redevelopment project area in the manner provided in paragraph (b) of Section 11-74.4-9, each year after the date of the certification of the total initial equalized assessed value as adjusted until redevelopment project costs and all municipal obligations financing redevelopment project costs have been paid the ad valorem taxes, if any, arising from the levies upon the taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 shall be divided as follows:

(1) That portion of the taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or "current equalized assessed value as adjusted" or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property existing at the time tax increment financing was adopted, minus the total current homestead exemptions provided by Sections 15-170 and 15-175 of the Property Tax Code in the redevelopment project area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the redevelopment project area, over and above the initial equalized assessed value of each property existing at the time tax increment financing was adopted, minus the total current homestead exemptions pertaining to each piece of property provided by Sections 15-170 and 15-175 of the Property Tax Code in the redevelopment project area, shall be allocated to and when collected shall be paid to the municipal Treasurer, who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof.

The municipality may pledge in the ordinance the funds in and to be deposited in the special tax allocation fund for the payment of such costs and obligations. No part of the current equalized assessed valuation of each property in the redevelopment project area attributable to any increase above the total initial equalized assessed value, or the total initial equalized assessed value as

adjusted, of such properties shall be used in calculating the general State school aid formula, provided for in Section 18-8 of the School Code, until such time as all redevelopment project costs have been paid as provided for in this Section.

Whenever a municipality issues bonds for the purpose of financing redevelopment project costs, such municipality may provide by ordinance for the appointment of a trustee, which may be any trust company within the State, and for the establishment of such funds or accounts to be maintained by such trustee as the municipality shall deem necessary to provide for the security and payment of the bonds. If such municipality provides for the appointment of a trustee, such trustee shall be considered the assignee of any payments assigned by the municipality pursuant to such ordinance and this Section. Any amounts paid to such trustee as assignee shall be deposited in the funds or accounts established pursuant to such trust agreement, and shall be held by such trustee in trust for the benefit of the holders of the bonds, and such holders shall have a lien on and a security interest in such funds or accounts so long as the bonds remain outstanding and unpaid. Upon retirement of the bonds, the trustee shall pay over any excess amounts held to the municipality for

deposit in the special tax allocation fund.

When such redevelopment projects costs, including without limitation all municipal obligations financing redevelopment project costs incurred under this Division, have been paid, all surplus funds then remaining in the special tax allocation fund shall be distributed by being paid by the municipal treasurer to the Department of Revenue, the municipality and the county collector; first to the Department of Revenue and the municipality in direct proportion to the tax incremental revenue received from the State and the municipality, but not to exceed the total incremental revenue received from the State or the municipality less any annual surplus distribution of incremental revenue previously made; with any remaining funds to be paid to the County Collector who shall immediately thereafter pay said funds to the taxing districts in the redevelopment project area in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Upon the payment of all redevelopment project costs, retirement of obligations and the distribution of any excess monies pursuant to this Section, the municipality shall adopt an ordinance dissolving the special tax allocation fund for the redevelopment project area and terminating the designation of the redevelopment project area as a redevelopment project area. If a municipality extends estimated dates of completion of a redevelopment project and retirement of obligations to finance a redevelopment project, as allowed by this amendatory Act of 1993, that extension shall not extend the property tax increment allocation financing authorized by this Section. Thereafter the rates of the taxing districts shall be extended and taxes levied, collected and distributed in the manner applicable in the absence of the adoption of tax increment allocation financing.

Nothing in this Section shall be construed as relieving property

in such redevelopment project areas from being assessed as provided in the Property Tax Code or as relieving owners of such property from paying a uniform rate of taxes, as required by Section 4 of Article 9 of the Illinois Constitution.

(Source: P.A. 90-258, eff. 7-30-97.)

Section 99. Effective date. This Act takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 122** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 122 by replacing the title with the following:

"AN ACT concerning professional land surveyors."; and by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.10 and adding Section 4.20 as follows:

(5 ILCS 80/4.10) (from Ch. 127, par. 1904.10)

Sec. 4.10. The following Acts are repealed December 31, 1999:

The Fire Equipment Distributor and Employee Regulation Act.

The Professional Engineering Practice Act of 1989.

The Structural Engineering Licensing Act of 1989.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

~~The Illinois Professional Land Surveyor Act of 1989.~~

The Land Sales Registration Act of 1989.

The Real Estate License Act of 1983.

(Source: P.A. 86-667; 86-702; 86-711; 86-925; 86-932; 86-987; 86-1007; 86-1028.)

(5 ILCS 80/4.20 new)

Sec. 4.20. Act repealed on January 1, 2010. The following Act is repealed on January 1, 2010:

The Illinois Professional Land Surveyor Act of 1989.

Section 10. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 4, 6, 7, 8, 10, 12, 13, 14, 15, 18, 20, 21, 25 and 27 and adding Section 18.5 as follows:

(225 ILCS 330/4) (from Ch. 111, par. 3254)

Sec. 4. Definitions. As used in this Act:

(a) "Department" means the Department of Professional Regulation.

(b) "Director" means the Director of Professional Regulation.

(c) "Board" means the Land Surveyors Licensing ~~Examining~~ Board.

(d) "Direct supervision and control" means the personal review by a Licensed Professional Land Surveyor of each survey, including, but not limited to, procurement, research, field work, calculations,

preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the Professional Land Surveyor or the firm for which the Professional Land Surveyor is employed is the provider of the surveying services.

(e) "Responsible charge" means an individual responsible for the various components of the land survey operations subject to the overall supervision and control of the Professional Land Surveyor.

(f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer practicing in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering Licensing Act of 1989, or the Professional Engineering Practice Act of 1989.

(g) "Professional Land Surveyor" means any person licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.

(h) "Land Surveyor-in-Training" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveyor-in-training subjects as provided by this Act or its rules.

(i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying.

(Source: P.A. 86-987; 86-1475.)

(225 ILCS 330/6) (from Ch. 111, par. 3256)

Sec. 6. Powers and duties of the Department. (a) The Department shall exercise the powers and duties prescribed by The Illinois Administrative Procedure Act for the administration of licensing Acts. The Department shall also exercise, subject to the provisions of this Act, the following powers and duties:

(1) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for licensure and issue licenses to those who are found to be fit and qualified.

(2) Prescribe rules for a method of examination.

(3) Conduct hearings on proceedings to revoke, suspend, or refuse to issue, renew, or restore a license, or other disciplinary actions.

(4) Promulgate rules and regulations required for the administration of this Act.

(5) License corporations and partnerships for the practice of professional surveying and issue a license to those who qualify.

(6) Prescribe, adopt, and amend rules as to what shall constitute a surveying or related science curriculum, determine if a specific surveying curriculum is in compliance with the rules, and terminate the approval of a specific surveying curriculum for non-compliance with such rules.

(7) Maintain membership in the National Council of Engineering Examiners and participate in activities of the Council by designating individuals for the various classifications of membership and appoint delegates for attendance at zone and national meetings of the Council.

(8) Obtain written recommendations from the Board regarding qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, promulgate and amend the rules affecting these matters, and consult with the Board on other matters affecting administration of the Act.

(a-5) The Department may promulgate rules for a Code of Ethics and Standards of Practice to be followed by persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the Code of Ethics and Standards of Practice.

(b) The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's response and recommendations.

(c) The Department shall review the Board's recommendation of the applicants' qualifications. The Director shall notify the Board in writing with an explanation of any deviation from the Board's recommendation. After review of the Director's written explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the Director's decision.

Whenever the Director is not satisfied that substantial justice has been done in the revocation or suspension of a license, or other disciplinary action the Director may order re-hearing by the same or other boards.

None of the functions, powers or duties enumerated in this Section shall be exercised by the Department except upon the action and report in writing of the Board.

(Source: P.A. 86-987.)

(225 ILCS 330/7) (from Ch. 111, par. 3257)

Sec. 7. Creation of the Board; Composition and qualifications and terms of the Board. The Board shall be appointed by the Director and shall consist of 7 members, one of whom shall be a public member and 6 of whom shall be Professional Land Surveyors. The members shall be residents of Illinois. Each Professional Land Surveyor member shall (a) currently hold a valid Professional Land Surveyor license in Illinois and shall have held the license under this Act or its predecessor for the previous 10 year period, and (b) have not been disciplined within the last 10 year period under this Act or its predecessor. The public member shall not be an employee of the State of Illinois or of the federal government, and shall not be licensed under this Act or any other Act the Department administers.

Members shall be appointed who reasonably represent the different geographic areas of Illinois and shall serve for 5 year terms, and until their successors are qualified and appointed. ~~The term of the initial appointments shall be as follows: the public member shall be appointed to serve for 3 years, 2 land surveyor members shall be appointed to serve for 2 years, 2 land surveyor members shall be~~

~~appointed to serve for 4 years, and 2 land surveyor members shall be appointed to serve for 5 years, and until their successors are qualified and appointed. A member shall not be eligible for appointment to more than 2 consecutive 5 year terms. Appointments to fill vacancies shall be made in the same manner as original~~

~~appointments~~, for the unexpired portion of the term. Initial terms shall begin on the effective date of this Act. Board members currently appointed under this ~~The Illinois Land Surveyors~~ Act and in office on the effective date of this Act shall continue to hold office until their terms expire and they are replaced ~~initial appointees under this Act are qualified and appointed~~. All appointments shall be made on the basis of individual professional qualifications with the exception of the public member and shall not be based upon race, sex, or religious or political affiliations.

Each member of the Board shall receive compensation when attending to the work of the Board or any of its committees and for time spent in necessary travel. In addition, members shall be reimbursed for actual traveling, incidentals and expenses necessarily incurred in carrying out their duties as members of the Board.

The Director shall consider the advice and recommendations of the Board on issues involving standards of professional conduct, discipline and qualifications of the candidates and licensees under this Act.

The Director shall make the Board appointments within 90 days of any vacancy. The Professional Land Surveyor members shall be selected from a current list of candidates updated by June 1 of each year, as submitted by members of the land surveying profession and by affiliated organizations.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

The Director may remove any member of the Board for misconduct, incompetence, neglect of duty, or for any reason prescribed by law for removal of State Officials or for not attending 2 consecutive Board meetings.

(Source: P.A. 86-987.)

(225 ILCS 330/8) (from Ch. 111, par. 3258)

Sec. 8. Powers and duties of the Board; quorum. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) Review education and experience qualifications of applicants to determine eligibility as a Professional Land Surveyor or Land Surveyor-in-Training and submit to the Director written recommendations on applicant qualifications for licensing;

(b) Conduct hearings regarding disciplinary actions and submit a written report to the Director as required by this Act and provide a Board member at informal conferences;

(c) Visit universities or colleges to evaluate surveying curricula and submit to the Director a written recommendation of acceptability of the curriculum;

(d) Submit a written recommendation to the Director concerning promulgation or amendment of rules for the administration of this Act;

(e) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act;

(f) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule;

(g) Hold at least 3 regular meetings each year; and

(h) The Board shall annually elect a Chairperson and a Vice

Chairperson ~~chairman~~ who shall be licensed ~~an~~ Illinois Professional Land Surveyors ~~Surveyor~~.

A quorum of the Board shall consist of a majority of Board members appointed.

(Source: P.A. 88-428.)

(225 ILCS 330/10) (from Ch. 111, par. 3260)

Sec. 10. Application for original license. Every person who desires to obtain a license shall apply to the Department in writing, upon forms prepared and furnished by the Department. Each application shall contain statements made under oath, showing the applicant's education, a detailed summary of his or her land surveying experience, and verification of the applicant's land surveying experience by the applicant's supervisor who shall be a licensed land surveyor and at least one reference who is a Professional Land Surveyor having personal knowledge of the applicant's land surveying experience and who shall certify the applicant's experience ~~to the satisfaction of the Board~~, and the application shall be accompanied with the required fee. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized educational body approved by the Board in accordance with rules prescribed by the Department.

An applicant who graduated from a land surveying program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule ~~before taking the licensure examination.~~

(Source: P.A. 89-594, eff. 8-1-96.)

(225 ILCS 330/12) (from Ch. 111, par. 3262)

Sec. 12. Qualifications for licensing.

(a) A person is qualified to receive a license as a Professional Land Surveyor and the Department shall issue a license to a person:

(1) who has applied in writing in the required form and substance to the Department;

(2) (blank);

(3) who is of good moral character;

(4) who has been issued a ~~acquired an Illinois~~ license as a Land Surveyor-in-Training;

(5) who has at least 4 years of responsible charge experience, subsequent to passage of an examination for licensure as a Land Surveyor-in-Training, verified by a Professional Land Surveyor in responsible charge of land surveying operations under the direct supervision and control of a ~~an Illinois~~ Professional Land Surveyor; and

(6) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a Professional Land Surveyor.

(b) A person is qualified to receive a license as a Land Surveyor-in-Training and the Department shall issue a license to a person:

(1) who has applied in writing in the required form and substance to the Department;

(2) (blank);

- (3) who is of good moral character;
 - (4) who has the required education ~~and experience in the practice of land surveying~~ as set forth in this Act; and
 - (5) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a Land Surveyor-in-Training in accordance with this Act.
- In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in
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~~conduct or actions that would constitute grounds for discipline under this Act any felony conviction or any violation of this Act by the applicant, but such a conviction shall not operate as an absolute bar to licensing.~~

(Source: P.A. 89-387, eff. 8-20-95.)

(225 ILCS 330/13) (from Ch. 111, par. 3263)

Sec. 13. Qualifications for examination for Licensed Land Surveyor-in-Training. ~~(a)~~ Applicants for the examination for Land Surveyor-in-Training shall have:

(1) a baccalaureate degree in Land Surveying from an accredited college or university; ~~or a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution;~~

(2) a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution. ~~a baccalaureate degree in a related science as approved by the Board, from an accredited college or university and 2 years land surveying experience;~~

~~(3) an associate degree in Land Surveying Technology from an accredited junior college and 3 years land surveying experience;~~

~~(4) an associate degree in engineering technology from an accredited junior college and 4 years land surveying experience; or~~

~~(5) a high school diploma or its equivalent and 8 years land surveying experience.~~

~~Beginning January 1, 1998, an applicant must have a baccalaureate degree in land surveying from an accredited college or university, or a baccalaureate degree in a related science including at least 24 semester hours of land surveying courses from a Board approved curriculum of an accredited institution, to be eligible for licensing as a Land Surveyor-in-Training.~~

(Source: P.A. 86-987.)

(225 ILCS 330/14) (from Ch. 111, par. 3264)

Sec. 14. License to be displayed. Every holder of a license as a Professional Land Surveyor or Land Surveyor-in-Training shall display it in a conspicuous location place in his or her principal office, place of business, or place of employment, ~~or any other offices or places of business or employment where the Professional Land Surveyor or Land Surveyor-in-Training regularly practices.~~

(Source: P.A. 86-987.)

(225 ILCS 330/15) (from Ch. 111, par. 3265)

Sec. 15. Seal. Every Professional Land Surveyor shall have a reproducible seal or facsimile, which may be computer generated, the

impression of which shall contain the name of the land surveyor, his or her place of business, the license number, of the Professional Land Surveyor, and the words "Professional Land Surveyor, State of Illinois". A Professional Land Surveyor shall seal ~~or stamp~~ all documents prepared by or under the direct supervision and control of the Professional Land Surveyor. Any seal authorized or approved by the Department under the Illinois Land Surveyors Act shall serve the same purpose as the seal provided for by this Act. Signatures generated by computer shall not be permitted. The licensee's written signature and date of signing along with the date of license expiration shall be placed adjacent to the seal.

(Source: P.A. 90-655, eff. 7-30-98.)

(225 ILCS 330/18) (from Ch. 111, par. 3268)

Sec. 18. Renewal, reinstatement or restoration of license; Persons in military service. The expiration date and renewal period for each license as a Professional Land Surveyor issued under this Act shall be set by rule. The holder of a license may renew such

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license during the month preceding the expiration date by paying the required fee. ~~Each application for renewal shall be impressed with the Professional Land Surveyor's seal or stamp.~~

Any Professional Land Surveyor whose license has been inactive ~~expired~~ for less than 5 years is required to pay the current renewal fee and shall have his or her license restored.

If the Professional Land Surveyor has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, the person's fitness to resume active status and may require that person to successfully complete an examination.

A Professional Land Surveyor whose license has been expired for more than 5 years may have the license restored by making application to the Department and filing proof acceptable to the Board of fitness to have the license restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction and payment of the required renewal, reinstatement or restoration fee.

However, any Professional Land Surveyor whose license expired while engaged (a) in federal service on active duty with the armed forces of the United States, or the State Militia called into active service or training, or (b) in training or education under the supervision of the United States preliminary to induction into the military service, may have a license renewed without paying any lapsed reinstatement or restoration fees upon passing an oral examination by the Board, or without taking any examination, if approved by the Board, if, within 2 years after the termination other than by dishonorable discharge of such service, training, or education, the licensee furnishes the Department with an affidavit to the effect the licensee was so engaged and that the service, training, or education has so terminated.

A license for a Land Surveyor-in-Training is valid for 10 years and may not be renewed.

(Source: P.A. 86-987.)

(225 ILCS 330/18.5 new)

Sec. 18.5. Continuing education. The Department may promulgate

rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 18 or 19 of this Act.

(225 ILCS 330/20) (from Ch. 111, par. 3270)

Sec. 20. Endorsement. Upon payment of the required fee, an applicant who is a Professional Land Surveyor, ~~a Land Surveyor-in-Training, or~~ registered, ~~or~~ licensed, or otherwise legally recognized as a Land Surveyor under the laws of another state or territory of the United States may be granted a license as an Illinois Professional Land Surveyor by the Department with approval of the Board upon the following conditions:

(a) That the applicant meets the requirements for licensing in this State, and that the requirements for licensing or other legal recognition of Land Surveyors in the particular state or territory were, at the date of issuance of the license or certificate, equivalent to the requirements then in effect in the State of Illinois; ~~however, the applicant shall be exempt from the requirements of item (5) of subsection (a) of Section 12 of this Act if he or she (1) applied for a license under this Section between September 1, 1996 and October 31, 1996 and (2) has 10 or more years of supervised experience as a land surveyor; and~~

(b) That the applicant passes a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws pertaining thereto.

(Source: P.A. 90-602, eff. 6-26-98.)

(225 ILCS 330/21) (from Ch. 111, par. 3271)

Sec. 21. Fees. ~~The following fees are not refundable:~~

(a) ~~The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable. The fee for application for a license as a Land Surveyor-in-Training is \$70.~~

(b) ~~The fees for the administration and enforcement of the Act, including but not limited to original licensure, renewal, and restoration, shall be set by rule by the Department. The fee for application for a license as a Professional Land Surveyor is \$150.~~

(c) ~~All fees and fines collected shall be deposited in the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary to produce and distribute newsletters to persons licensed under this Act. The fee for a license for a Professional Land Surveyor registered or licensed under the laws of another state or territory of the United States or of a foreign country or province is \$150.~~

(d) ~~The fee for the renewal of a license shall be \$60.~~

(e) ~~The fee for the restoration of a license other than from inactive status is \$10 plus payment of all lapsed renewal fees, the total fee not to exceed \$110.~~

(f) ~~The fee for a certificate of registration as a Professional Land Surveyor Firm is \$75.~~

(g) ~~The fee for the renewal of a certificate of registration as~~

a professional land surveying firm shall be \$60.

~~(h) The fee for the issuance of a replacement license, for a license which has been lost or destroyed, or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.~~

~~(i) The fee for a certification of a licensee's record for any purpose is \$20.~~

~~(j) The fee for an examination to determine preliminary education is \$20.~~

~~(k) The fee for rescoring an examination is the cost to the Department of rescoring the examination, plus any fees charged by the applicable testing service to have the examination rescored.~~

~~(l) The fee for a wall certificate showing licensure is the actual cost of producing such certificate.~~

~~(m) The fee for a roster of persons licensed as Land Surveyor in Training or Professional Land Surveyor in this State is the actual cost of producing such a roster.~~

(Source: P.A. 88-91; 88-428; 88-670, eff. 12-2-94.)

(225 ILCS 330/25) (from Ch. 111, par. 3275)

Sec. 25. Professional design land surveying firm registration.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, of a corporation to offer the practice of professional land surveying.

Any business, including a Professional Service Corporation, that includes within its stated purposes or practices, or holds itself out as available to practice, professional land surveying shall be registered with the Department pursuant to the provisions set forth in this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering professional land surveyor services to the public. Any sole proprietorship owned and operated by a professional land surveyor with an active license issued under this Act and conducting or transacting such business under an assumed name in

accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a Professional Land Surveyor with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm. "Illinois licensed design professional" means a person who holds an active license as a professional engineer under the Professional Engineering Practice Act of 1989, as an architect under the Illinois Architecture Practice Act of 1989, as a structural engineer under the Structural Engineering Practice Act of 1989, or as a Professional Land Surveyor under this Act.

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of land surveyor activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active

license to practice professional land surveying in Illinois.

No individual whose license to practice professional land surveying in this State is currently in a suspended or revoked state shall act as a managing agent for a professional design firm.

(c) Any business seeking to be registered under this Section shall make application on a form provided by the Department and shall provide such information as requested by the Department, which shall include, but not be limited to:

(1) the name and license number of the person designated as the managing agent in responsible charge of the practice of professional land surveying in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles or organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all office locations at which the professional design firm provides professional land surveying services to the public; and

(4) a list of all assumed names of the business. Nothing in this Section shall be construed to exempt a professional design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(d) The Department shall issue to each business a certificate of registration to practice professional land surveying or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and a professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days

in which to notify the Department of the name and licensure number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm has not notified the Department in writing, by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the last known address of the business. If the professional design firm continues to operate and offer professional land surveyor services after the termination, the Department may seek prosecution under Sections 27, 43, and 46 of this Act for the unlicensed practice of professional land surveying.

No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing professional land surveying be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed professional land surveyor. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1999 shall be continued or remain in effect without the Department filing separate actions. Upon payment of the required fee the Department shall issue, upon the approval of the Board, without examination, a certificate of registration as a professional land surveying firm to offer the services of its licensed Illinois professional land surveyors to any corporation, partnership, or limited liability company which applies for one in writing if:

(1) In a case of a corporation a majority of its officers and board of directors are licensed as professional land surveyors in Illinois.

(2) In the case of a limited liability company, a majority of its members are licensed professional land surveyors in Illinois.

(3) In the case of a partnership, all members of the partnership are licensed professional land surveyors in Illinois.

(b) All surveying by the professional land surveying firm must be done under the direct supervision and control of an officer of a managing agent who holds a license as a professional land surveyor. The managing agent must be designated on the professional land surveying firm application. The managing agent must be:

(1) an officer of the corporation;

(2) a member of the limited liability company; or

(3) a member of the partnership.

When a managing agent is terminated or terminates his or her status, the managing agent shall notify the Department in writing by certified mail within 10 business days of the termination. Thereafter, the professional land surveying firm shall, within 30 days, notify the Department of the name and professional land surveyor's license number of the newly designated managing agent. The Department may, upon good cause, extend the 30 day period. If the professional land surveying firm fails to notify the Department in

~~writing by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the last known address of the business. If the professional land surveying firm continues to operate and offer land surveying services after the termination, the Department may seek prosecution under Sections 27, 43, and 43a of this Act for the unlicensed practice of land surveying.~~

~~(h) (e) Any professional services corporation, sole proprietorship, or professional design land surveying firm offering land surveying services must have a resident land surveyor overseeing the land surveying practices in each location in which land surveying services are provided.~~

~~(d) Any sole proprietorship not owned and operated by an Illinois professional land surveyor shall be prohibited from offering land surveying services to the public. Any sole proprietorship owned and operated by a land surveyor with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional land surveying firm. Any sole proprietorship owned and operated by a professional land surveyor with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional land surveying firm.~~

~~(e) Disciplinary action against a professional land surveying firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed land surveyor. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.~~

~~(f) A professional land surveying firm shall provide notice in writing to the Department of any change in the information requested upon an application.~~

~~(g) Nothing in this Section shall be construed to exempt a business from compliance with the requirements of the Assumed Business Name Act.~~

~~(h) Nothing in this Act shall restrict licensees from forming professional service corporations under the provisions of the Professional Service Corporation Act, as now or hereafter amended, and having these corporations licensed for the practice of land surveying.~~

(Source: P.A. 88-428; 89-594, eff. 8-1-96.)

(225 ILCS 330/27) (from Ch. 111, par. 3277)

Sec. 27. Grounds for disciplinary action.

(a) The Department may, singularly or in combination, refuse to issue, restore, or renew, or may revoke or suspend a license or registration, or may place on probation, censure, reprimand or impose a civil penalty not to exceed \$10,000, upon any person, corporation, partnership, or professional land surveying firm licensed or registered under this Act for any one or combination of the following:

(1) material misstatement in furnishing information to the Department;

(2) violation, including, but not limited to, neglect or intentional disregard, of this Act, or its rules;

(3) conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to practice or not, or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty or which is directly related to the

practice of land surveying;

(4) making any misrepresentation for the purpose of obtaining a license, or in applying for restoration or renewal, or the practice of any fraud or deceit in taking any examination to qualify for licensure under this Act;

(5) purposefully making false statements or signing false statements, certificates, or affidavits to induce payment;

(6) proof of carelessness, incompetence, negligence, or misconduct in practicing land surveying;

(7) aiding or assisting another person in violating any provision of this Act or its rules;

(8) failing to provide information in response to a written request made by the Department within 30 days after receipt of such written request;

(9) engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public;

(10) habitual intoxication or addiction to the use of drugs;

(11) discipline by the United States government, another state, District of Columbia, territory, foreign nation or government agency if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act;

(12) directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional services not actually or personally rendered;

(12.5) issuing a map or plat of survey where the fee for professional services is contingent on a real estate transaction closing;

(13) a finding by the Board that an applicant or licensee has failed to pay a fine imposed by the Department or a licensee whose license has been placed on probationary status has violated the terms of probation;

(14) practicing on an expired, inactive, suspended, or revoked license;

(15) signing, affixing the Professional Land Surveyor's seal or permitting the Professional Land Surveyor's seal to be affixed to any map or plat of survey not prepared by the Professional Land Surveyor or under the Professional Land Surveyor's direct supervision and control;

(16) physical illness, including but not limited to deterioration through the aging process or loss of motor skill, which results in the inability to practice the profession with reasonable judgment, skill, or safety;

(17) issuing a check or other guarantee to the order of the

Department which is not honored on 2 occasions by the financial institution upon which it is drawn because of insufficient funds;

(18) failure to adequately supervise or control land surveying operations being performed by subordinates.

(a-5) In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications

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between the licensee or applicant and the examination physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a licensee until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as now or hereafter amended, operates as an automatic license suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient and upon the recommendation of the Board to the Director that the licensee be allowed to resume his or her practice.

(Source: P.A. 88-428; 88-595, eff. 8-26-94.)

Section 99. Effective date. This Act takes effect on January 1, 2000, except that Section 5 takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 123** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 123 by replacing the title with the following:

"AN ACT concerning the regulation of the practice of architecture."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.10 and adding Section 4.20 as follows:

(5 ILCS 80/4.10) (from Ch. 127, par. 1904.10)

Sec. 4.10. The following Acts are repealed December 31, 1999:

The Fire Equipment Distributor and Employee Regulation Act.

The Professional Engineering Practice Act of 1989.

The Structural Engineering Licensing Act of 1989.

~~The Illinois Architecture Practice Act of 1989.~~

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Land Sales Registration Act of 1989.

The Real Estate License Act of 1983.

(Source: P.A. 86-667; 86-702; 86-711; 86-925; 86-932; 86-987; 86-1007; 86-1028.)

(5 ILCS 80/4.20 new)

Sec. 4.20. Act repealed on January 1, 2010. The following Act is repealed on January 1, 2010:

The Illinois Architecture Practice Act of 1989.

Section 10. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 3, 8, 9, 10, 11, 12, 13, 14, 19, 21, 22, and 38 and adding Section 16.5 as follows:

(225 ILCS 305/3) (from Ch. 111, par. 1303)

Sec. 3. Application of Act. Nothing in this Act shall be deemed or construed to prevent the practice of structural engineering as defined in the Structural Engineering Licensing Act of 1989, the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989, or the preparation of documents used to prescribe work to be done inside buildings for non-loadbearing interior construction, furnishings, fixtures and equipment, or the offering or preparation of environmental analysis, feasibility studies, programming or construction management services by persons other than those licensed in accordance with this Act, the Structural Engineering Licensing Act of 1989 or the Professional Engineering Practice Act of 1989.

Nothing contained in this Act shall prevent the draftsmen, students, project representatives and other employees of those lawfully practicing as licensed architects under the provisions of this Act, from acting under the direct supervision and control of their employers, or to prevent the employment of project representatives for enlargement or alteration of buildings or any

parts thereof, or prevent such project representatives from acting under the direct supervision and control of the licensed architect by whom the construction documents including drawings and specifications of any such building, enlargement or alteration were prepared.

Nothing in this Act or any other Act shall prevent a registered architect from practicing interior design services. Nothing in this Act shall be construed as requiring the services of an interior designer for the interior designing of a single family residence.

This Act does not apply to any of the following:

(A) The building, remodeling or repairing of any building or other structure outside of the corporate limits of any city or village, where such building or structure is to be, or is used for ~~residential or~~ farm purposes, or for the purposes of outbuildings or auxiliary buildings in connection with such ~~residential or~~ farm premises.

(B) The construction, remodeling or repairing of a detached single family residence on a single lot.

(C) The construction, remodeling or repairing of a two-family residence of wood frame construction on a single lot, not more than two stories and basement in height.

(D) Interior design services for buildings which do not involve life safety or structural changes.

However, all buildings not included in the preceding paragraphs (A) through (D), including multi-family buildings and buildings previously exempt under those paragraphs but subsequently non-exempt due to a change in occupancy or use, are subject to the requirements of this Act. Interior alterations which result in life safety or structural changes of the building are subject to the requirements of this Act.

(Source: P.A. 87-435; 88-650, eff. 9-16-94.)

(225 ILCS 305/8) (from Ch. 111, par. 1308)

Sec. 8. Powers and duties of the Department. Subject to the

provisions of this Act, the Department shall exercise the following functions, powers and duties:

(a) Conduct examinations to ascertain the qualifications and fitness of applicants for licensure as licensed architects, and pass upon the qualifications and fitness of applicants for licensure by endorsement;

(b) Prescribe rules for a method of examination of candidates;

(c) Prescribe rules defining what constitutes a school, college or university, or department of a university, or other institution, reputable and in good standing, to determine whether or not a school, college or university, or department of a university, or other institution is reputable and in good standing by reference to a compliance with such rules, and to terminate the approval of such school, college or university or department of a university or other institution that refuses admittance to applicants solely on the basis of race, color, creed, sex or national origin. The Department may adopt, as its own rules relating to education requirements, those guidelines published from time to time by the National Architectural Accrediting Board;

(d) Prescribe rules for diversified professional training;

(e) Conduct oral interviews, disciplinary conferences and formal evidentiary hearings on proceedings to impose fines or to suspend, revoke, place on probationary status, reprimand, and refuse to issue or restore any license issued under the provisions of this Act for the reasons set forth in Section 22 of this Act;

(f) Issue licenses to those who meet the requirements of this Act; and

(g) Formulate and publish rules necessary or appropriate to carrying out the provisions of this Act.

(h) To maintain membership in the National Council of Architectural Registration Boards and participate in activities of the Council by designation of individuals for the various classifications of membership and the appointment of delegates for attendance at regional and national meetings of the Council. All costs associated with membership and attendance of such delegates to any national meetings may be funded from the Design Professionals Administration and Investigation Fund.

Prior to issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Director shall notify the Board in writing with an explanation of any such deviation and provide a reasonable time for the Board to submit writing comments to the Director regarding the proposed action. In the event that the Board fails or declines to submit such written comments within 30 days of said notification, the Director may issue a final decision or orders consistent with the Director's original decision. The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

(Source: P.A. 86-702.)

(225 ILCS 305/9) (from Ch. 111, par. 1309)

Sec. 9. Creation of the Board. The Director shall appoint an ~~Architecture Architect~~ Licensing Board which will consist of 6 members. Five members shall be licensed architects, one of whom shall be a tenured member of the architectural faculty of the University of Illinois. The other 4 shall be licensed architects, residing in this State, who have been engaged in the practice of architecture at least 10 years. In addition to the 5 licensed architects, there shall be one public member. The public member shall be a voting member and shall not hold a license as an architect, professional engineer, structural engineer or land

surveyor.

Board members shall serve 5 year terms and until their successors are appointed and qualified. ~~For the initial appointments made under this Act, however, 2 members shall be appointed to serve for a period of one year, 2 members shall be appointed to serve for a period of 3 years, and one member shall be appointed for a period of 5 years. The public member shall be appointed to an initial term of 5 years.~~ In making the designation of persons to the Board, the Director shall give due consideration to recommendations by members and organizations of the profession.

The membership of the Board should reasonably reflect

representation from the geographic areas in this State.

No member shall be reappointed to the Board for a term which would cause his or her continuous service on the Board to be longer than 10 successive years. Service prior to the effective date of this Act shall not be considered.

Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms shall begin upon the effective date of this Act and Board members in office on that date under the predecessor Act may be appointed to specific terms as indicated in this Section.

Persons holding office as members of the Board under the Illinois Architecture Act immediately prior to the effective date of this Act shall continue as members of the Board under this Act until the expiration of the term for which they were appointed and until their successors are appointed and qualified.

A quorum of the Board shall consist of a majority of Board members currently appointed. A majority vote of the quorum is required for Board decisions. ~~Four members shall constitute a quorum of Board members. The Chairman shall only vote on all matters to come before the Board in the case of a tie vote.~~

The Director may remove any member of the Board for misconduct, incompetence, neglect of duty, or for reasons prescribed by law for removal of State officials.

The Director may remove a member of the Board who does not attend 2 consecutive meetings.

~~The Director may terminate the appointment of any member for cause which in the opinion of the Director reasonably justifies such termination.~~

Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

Members of the Board are immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(Source: P.A. 86-702; 87-593.)

(225 ILCS 305/10) (from Ch. 111, par. 1310)

Sec. 10. Powers and duties of the Board.

(a) The Board shall hold at least 3 regular meetings each year.÷

(b) The Board shall annually elect a Chairperson and a Vice Chairperson ~~Chairman~~ who shall be a licensed architects. ~~architect.~~

(c) The Board, upon request by the Department, may make a curriculum evaluation to determine if courses conform to the requirements of approved architectural programs.÷

(d) The Board shall assist the Department in conducting oral interviews, disciplinary conferences and formal evidentiary hearings.÷

(e) The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the enforcement of

this Act.÷

(f) The Board may appoint a subcommittee to serve as a Complaint

Committee to recommend the disposition of case files according to procedures established by rule.†

(g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department. The Department shall review the Board's recommendations on applicant qualifications. The Director shall notify the Board in writing with an explanation of any deviation from the Board's recommendation on applicant qualifications. After review of the Director's written explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the Director's decision.

(h) The Board shall submit written comments to the Director within 30 days from notification of any final decision or order from the Director that deviates from any report or recommendation of the Board relating to the qualifications of applicants, discipline of licensees or registrants, or promulgation of rules.

(Source: P.A. 88-428.)

(225 ILCS 305/11) (from Ch. 111, par. 1311)

Sec. 11. Application for original license. Applications for original licensure shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which is not refundable. Any such application shall require information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant to practice architecture. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized educational body approved by the Board in accordance with rules prescribed by the Department.

An applicant who has graduated from an architectural program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule ~~before taking the licensure examination.~~

(Source: P.A. 89-594, eff. 8-1-96.)

(225 ILCS 305/12) (from Ch. 111, par. 1312)

Sec. 12. Examinations; subjects; failure or refusal to take examination. The Department shall authorize examination of applicants as architects at such times and places as it may determine. The examination shall be in English and shall be written or written and graphic. It shall include at a minimum the following subjects:

"(a) pre-design (environmental analysis, architectural programming, and application of principles of project management and coordination), ~~environmental analysis and programming;~~

(b) site planning (site analysis, design and development, parking, and application of zoning requirements) ~~design;~~

(c) building planning (conceptual planning of functional and space relationships, building design, interior space layout, barrier-free design, and the application of the life safety code requirements and principles of energy efficient design) ~~design;~~

(d) building technology (application of structural systems, building components, and mechanical and electrical systems) ~~structural technology (general, long span, and lateral);~~

(e) general structures (identification, resolution, and incorporation of structural systems and the long span design on the technical aspects of the design of buildings and the process

and construction) life safety codes and technology, and energy efficient design;

(f) lateral forces (identification and resolution of the effects of lateral forces on the technical aspects of the design of buildings and the process of construction) barrier free design;

(g) mechanical, plumbing, and electrical systems (as applied to the design of buildings, including plumbing and acoustical systems) (principles of sanitation and ventilation as applied to buildings);

(h) materials and methods (as related to the design of buildings and the technical aspects of construction); and

(i) construction documents and services (conduct of architectural practice as it relates to construction documents, bidding, and construction administration and contractual documents from beginning to end of a building project).⁷ technical submissions, and professional practice, including the contractual duties of an architect; and

It shall be the responsibility of the applicant to be familiar with this Act and its rules.

Examination subject matter headings and bases on which examinations are graded shall be indicated in rules pertaining to this Act. The Department may adopt the examinations and grading procedures of the National Council of Architectural Registration Boards. Content of any particular examination shall not be considered public record under the Freedom of Information Act.

If an applicant neglects without an approved excuse or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited. If an applicant fails to pass an examination for licensure under this Act within 3 6 years after filing an application, the application shall be denied. The applicant may, however, make a new application for examination accompanied by the required fee and must furnish proof of meeting the qualifications for examination in effect at the time of the new application.

The Department may by rule prescribe additional subjects for examination.

An applicant has one year from the date of notification of successful completion of all the examination requirements to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to again take and pass the examination.

(Source: P.A. 86-702; 87-593.)

(225 ILCS 305/13) (from Ch. 111, par. 1313)

Sec. 13. Qualifications of applicants. Any person who is of good moral character may take an examination for licensure if he or she is a graduate with a first professional degree in architecture from a program accredited by the National Architectural Accrediting Board and has completed such diversified professional training, including academic training, as is required by rules of the Department. In lieu of the requirement of graduation with a first professional degree in architecture from a program accredited by the

National Architectural Accrediting Board, the Department may admit an applicant who is a graduate with a pre-professional 4 year baccalaureate degree accepted for direct entry into a first professional master of architecture degree program, and who has completed such additional diversified professional training, including academic training, as is required by rules of the Department. The Department may adopt, as its own rules relating to diversified professional training, those guidelines published from time to time by the National Council of Architectural Registration Boards.

Good moral character means such character as will enable a person

to discharge the fiduciary duties of an architect to that person's client and to the public in a manner which protects health, safety and welfare. Evidence of inability to discharge such duties may include the commission of an offense justifying discipline under Section 19. In addition, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act ~~any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to qualification for examination for licensure.~~

(Source: P.A. 89-387, eff. 8-20-95.)

(225 ILCS 305/14) (from Ch. 111, par. 1314)

Sec. 14. Display of license; Seal. Every holder of a license as a licensed architect shall display it in a conspicuous place in the principal office of the architect.

Every licensed architect shall have a reproducible seal, or facsimile, the print of which shall contain the name of the architect, the license number, and the words "Licensed Architect, State of Illinois". The licensed architect shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets of construction documents utilized as contract documents or prepared for the review and approval of any governmental or public authority having jurisdiction by that licensed architect or under that licensed architect's direct supervision and control. The sheet of construction documents in which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply. The seal and dates may be electronically affixed. The signature must be in the original handwriting of the licensee. Signatures generated by computer shall not be permitted. All construction documents issued by any corporation, partnership, professional service corporation, or professional design firm as registered under this Act shall contain the corporate or assumed business name and design firm registration number, in addition to any other seal requirements as set forth in this Section.

"Direct supervision and control" means that the architect has exerted sufficient personal supervision, control, and review of the activities of those employed to perform architectural work to ensure that the construction documents produced by those so employed and sealed by the architect meet the standards of reasonable professional skill and diligence and are of no lesser quality than if they had been produced personally by the architect. The architect is

obligated to have detailed professional knowledge of the construction documents the architect seals and to have exercised professional judgement in all architectural matters embodied in those construction documents. Merely reviewing the construction documents produced by others, even if they are licensed, does not constitute "direct supervision and control" by the architect unless the architect has actually exercised the supervision and control over the preparation of the construction documents provided for in this Section.

(Source: P.A. 86-702; 86-1028.)

(225 ILCS 305/16.5 new)

Sec. 16.5. Continuing education. The Department may promulgate rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 16 or 17 of this Act.

(225 ILCS 305/19) (from Ch. 111, par. 1319)

Sec. 19. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not

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refundable.

(b) The fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration, shall be set by rule by the Department. The following fees are not refundable.

(a) Licensure fees.

(1) The fee for application for a license is \$100.

(2) In addition, applicants for any examination are required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining the applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

(3) The fee for a license for an architect registered or licensed under the laws of another state or territory of the United States or province is \$100.

(4) The fee for the renewal of a license shall be \$60.

(5) The fee for the restoration of a license other than from inactive status is \$10 plus payment of all lapsed renewal fees.

(6) The fee for application for a license as an architecture corporation or partnership is \$75.

(7) The fee for renewal of a license or certificate of registration as a professional design firm is \$75.

(b) General fees.

(1) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is

~~\$20. No fee is required for name and address changes on Department records when no duplicate license is issued.~~

~~(2) The fee for a certification of a licensee's record for any purpose is \$20.~~

~~(3) The fee for rescoring an examination is the cost to the Department of rescoring the examination, plus any fees charged by the applicable testing service to have the examination rescored.~~

~~(4) The fee for a wall certificate showing licensure is the actual cost of producing such certificate.~~

~~(5) The fee for a roster of licensed architects in this State is the actual cost of producing such a roster.~~

All of the fees and fines collected pursuant to this Section shall be deposited in the Design Professionals Professional Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.

Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the

notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 87-1031; 88-91; 88-428; 88-670, eff. 12-2-94.)

(225 ILCS 305/21) (from Ch. 111, par. 1321)

Sec. 21. Professional design firm registration; conditions.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, of a corporation to offer the practice of architecture.

~~Any business, including a not formed under the provisions of the Professional Service Corporation, that Act and not registered as such with the Department, and which includes the practice of architecture within its stated purposes, practices architecture, or holds itself~~

out as available to practice architecture, shall register with the Department under this Section. Any professional service corporation, sole proprietorship, or professional design firm offering architectural services must have a resident architect overseeing the architectural practices in each location in which architectural services are provided.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering architectural services to the public. "Illinois licensed design professional" means a person who holds an active license as an architect under this Act, as a structural engineer under the Structural Engineering Practice Licensing Act of 1989, or as a professional engineer under the Professional Engineering Practice Act of 1989. Any sole proprietorship owned and operated by an architect with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by an architect with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm.

(b) Any corporation, including a Professional Service Corporation, partnership, limited liability company, or professional design firm seeking to be registered under this Section shall not be registered unless:

(1) two-thirds of the board of directors, in the case of a corporation, or two-thirds of the general partners, in the case of a partnership, or two-thirds of the members, in the case of a limited liability company, are licensed under the laws of any State to practice architecture, professional engineering, land surveying, or structural engineering; and

(2) the person having the architectural practice in this State in his charge is (A) a director in the case of a corporation, a general partner in the case of a partnership, or a member in the case of a limited liability company, and (B) holds a license under this Act.

Any corporation, limited liability company, professional service

corporation, or partnership qualifying under this Section and practicing in this State shall file with the Department any information concerning its officers, directors, members, managers, partners or beneficial owners as the Department may, by rule, require.

(c) No business shall offer the practice or hold itself out as available to offer the practice of architecture until it is registered with the Department.

(d) Any business seeking to be registered under this Section shall make application on a form provided by the Department and shall provide any information requested by the Department, which shall include but shall not be limited to all of the following:

(1) The name and architect's license number of at least one person designated as the managing agent in responsible charge of

the practice of architecture in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating at least one managing agent. If a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent.

(2) The names and architect's, professional engineer's, ~~or~~ structural engineer's, or land surveyor's license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership.

(3) A list of all locations at which the professional design firm provides architectural services.

(4) A list of all assumed names of the business. Nothing in this Section shall be construed to exempt a business from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of termination.

Thereafter, the professional design firm, if it has so informed the Department, has 30 days in which to notify the Department of the name and architect's license number of the architect who is the newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm has not notified the Department in writing, by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the last known address of the business. If the professional design firm continues to operate and offer architectural services after the termination, the Department may seek prosecution under Sections 22, 36, and 36a of this Act for the unlicensed practice of architecture.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this Section, nor shall any

individual practicing architecture be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm

registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed architect. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

(Source: P.A. 88-428; 89-594, eff. 8-1-96.)

(225 ILCS 305/22) (from Ch. 111, par. 1322)

Sec. 22. Refusal, suspension and revocation of licenses; Causes.

(a) The Department may, singularly or in combination, refuse to issue, renew or restore, or may suspend or revoke any license or registration, or may place on probation, reprimand, or fine, with a civil penalty not to exceed \$10,000 for each violation, any person, corporation, or partnership, or professional design firm licensed or registered under this Act for any of the following reasons:

(1) material misstatement in furnishing information to the Department;

(2) negligence, incompetence or misconduct in the practice of architecture;

(3) failure to comply with any of the provisions of this Act or any of the rules;

(4) making any misrepresentation for the purpose of obtaining licensure;

(5) purposefully making false statements or signing false statements, certificates or affidavits to induce payment;

(6) conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to the practice of architecture or not; or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty, wanton disregard for the rights of others, or which is directly related to the practice of architecture;

(7) aiding or assisting another person in violating any provision of this Act or its rules;

(8) signing, affixing the licensed architect's seal or permitting the architect's seal to be affixed to any construction documents not prepared by the architect or under that architect's direct supervision and control;

(9) engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

(10) habitual intoxication or addiction to the use of drugs;

(11) making a statement of compliance pursuant to the Environmental Barriers Act that construction documents prepared by the Licensed Architect or prepared under the licensed architect's direct supervision and control for construction or alteration of an occupancy required to be in compliance with the Environmental Barriers Act are in compliance with the Environmental Barriers Act when such construction documents are not in compliance;

(12) a finding by the Board that an applicant or a registrant has failed to pay a fine imposed by the Department or a registrant, whose license has been placed on probationary status, has violated the terms of probation;

(13) discipline by another state, territory, foreign

country, the District of Columbia, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth herein;

(14) failure to provide information in response to a written request made by the Department within 30 days after the receipt of such written request;

(15) physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety.

(a-5) In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the licensee be allowed to resume practice.

The Department may refuse to issue or may suspend the license of

any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal

prosecutions, shall not be liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The attorney general shall defend such persons in any such action or proceeding.

(Source: P.A. 88-428.)

(225 ILCS 305/38) (from Ch. 111, par. 1338)

Sec. 38. Fund; appropriations; investments; audits. Moneys deposited in the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Licensing Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 62.1 of the Civil Administrative Code of Illinois and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 61e of the Civil Administrative Code of Illinois.

All fines and penalties under Sections 22 and 36 shall be deposited in the Design Professionals ~~Professional~~ Administration and Investigation Fund.

Moneys in the Design Professionals ~~Professional~~ Administration and Investigation Fund may be invested and reinvested, with all earnings received from the investments to be deposited in the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited in the Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is an addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 89-204, eff. 1-1-96.)

Section 99. Effective date. This Act takes effect on January 1, 2000, except that Section 5 takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1,

was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 126** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 126 by replacing the title with the following:

"AN ACT concerning structural engineers."; and
by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.10 and adding Section 4.20 as follows:

(5 ILCS 80/4.10) (from Ch. 127, par. 1904.10)

Sec. 4.10. The following Acts are repealed December 31, 1999:

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The Fire Equipment Distributor and Employee Regulation Act.

The Professional Engineering Practice Act of 1989.

~~The Structural Engineering Licensing Act of 1989.~~

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Land Sales Registration Act of 1989.

The Real Estate License Act of 1983.

(Source: P.A. 86-667; 86-702; 86-711; 86-925; 86-932; 86-987; 86-1007; 86-1028.)

(5 ILCS 80/4.20 new)

Sec. 4.20. Act repealed on January 1, 2010. The following Act is repealed on January 1, 2010:

The Structural Engineering Practice Act of 1989.

Section 10. The Architectural, Engineering, and Land Surveying Qualifications Based Selection Act is amended by changing Sections 15 and 65 as follows:

(30 ILCS 535/15) (from Ch. 127, par. 4151-15)

Sec. 15. Definitions. As used in this Act:

"Architectural services" means any professional service as defined in Section 5 of the Illinois Architecture Practice Act of 1989.

"Engineering services" means any professional service as defined in Section 4 of the Professional Engineering Practice Act of 1989 or Section 5 of the Structural Engineering Practice ~~Licensing~~ Act of 1989.

"Firm" means any individual, sole proprietorship, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, engineering, or land surveying and provide those services.

"Land surveying services" means any professional service as defined in Section 5 of the Illinois Professional Land Surveyor Act of 1989.

"Project" means any capital improvement project or any design, study, plan, survey, or new or existing program activity of a State

agency, including development of new or existing programs that require architectural, engineering, or land surveying services.

"State agency" means any department, commission, council, board, bureau, committee, institution, agency, university, government corporation, authority, or other establishment or official of this State.

(Source: P.A. 87-673.)

(30 ILCS 535/65) (from Ch. 127, par. 4151-65)

Sec. 65. Scope. No person, corporation, or partnership licensed or registered under the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Structural Engineering Practice Licensing Act of 1989, or the Illinois Professional Land Surveyor Act of 1989 shall engage in any act or conduct, or be a party to any contract, or agreement, in violation of the provisions of this Act.

(Source: P.A. 87-673.)

Section 15. The Local Government Professional Services Selection Act is amended by changing Section 3 as follows:

(50 ILCS 510/3) (from Ch. 85, par. 6403)

Sec. 3. Definitions. As used in this Act unless the context specifically requires otherwise:

(1) "Firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of architecture, engineering or land surveying and provide architectural, engineering or land surveying services.

(2) "Architectural services" means any professional service as

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defined in Section 5 of the Illinois Architecture Practice Act of 1989.

(3) "Engineering services" means any professional service as defined in Section 4 of the Professional Engineering Practice Act of 1989 or Section 5 of the Structural Engineering Practice Licensing Act of 1989.

(4) "Land surveying services" means any professional service as defined in Section 5 of the Illinois Professional Land Surveyor Act of 1989.

(5) "Political subdivision" means any school district and any unit of local government of fewer than 3,000,000 inhabitants, except home rule units.

(6) "Project" means any capital improvement project or any study, plan, survey or new or existing program activity of a political subdivision, including development of new or existing programs which require architectural, engineering or land surveying services.

(Source: P.A. 86-711; 86-987; 86-1028; 86-1475.)

Section 20. The Civil Administrative Code of Illinois is amended by changing Section 62.1 as follows:

(110 ILCS 355/62.1) (from Ch. 127, par. 62.1)

Sec. 62.1. Design Professionals Dedicated Employees. There is established within the Department of Professional Regulation certain design professionals dedicated employees. These employees shall be devoted exclusively to the administration and enforcement of the Illinois Architecture Practice Act, the Illinois Professional Land

Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Licensing Act of 1989. The design professionals dedicated employees that the Director shall employ, in conformity with the Personnel Code, at a minimum shall consist of one full-time design licensing Coordinator, one full-time Assistant Coordinator, 4 full-time licensing clerks, one full-time attorney, and 2 full-time investigators. These employees shall work exclusively in the licensing and enforcement of the design profession Acts set forth in this Section and shall not be used for the licensing and enforcement of any other Act or other duties in the Department of Professional Regulation.

(Source: P.A. 87-781.)

Section 25. The Illinois Architecture Practice Act of 1989 is amended by changing Sections 3, 21, and 38 as follows:

(225 ILCS 305/3) (from Ch. 111, par. 1303)

Sec. 3. Application of Act. Nothing in this Act shall be deemed or construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice Licensing Act of 1989, the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989, or the preparation of documents used to prescribe work to be done inside buildings for non-loadbearing interior construction, furnishings, fixtures and equipment, or the offering or preparation of environmental analysis, feasibility studies, programming or construction management services by persons other than those licensed in accordance with this Act, the Structural Engineering Practice Licensing Act of 1989 or the Professional Engineering Practice Act of 1989.

Nothing contained in this Act shall prevent the draftsmen, students, project representatives and other employees of those lawfully practicing as licensed architects under the provisions of this Act, from acting under the direct supervision and control of their employers, or to prevent the employment of project representatives for enlargement or alteration of buildings or any parts thereof, or prevent such project representatives from acting under the direct supervision and control of the licensed architect by

whom the construction documents including drawings and specifications of any such building, enlargement or alteration were prepared.

Nothing in this Act or any other Act shall prevent a registered architect from practicing interior design services. Nothing in this Act shall be construed as requiring the services of an interior designer for the interior designing of a single family residence.

This Act does not apply to any of the following:

(A) The building, remodeling or repairing of any building or other structure outside of the corporate limits of any city or village, where such building or structure is to be, or is used for residential or farm purposes, or for the purposes of outbuildings or auxiliary buildings in connection with such residential or farm premises.

(B) The construction, remodeling or repairing of a detached single family residence on a single lot.

(C) The construction, remodeling or repairing of a two-family residence of wood frame construction on a single lot,

not more than two stories and basement in height.

(D) Interior design services for buildings which do not involve life safety or structural changes.

However, all buildings not included in the preceding paragraphs (A) through (D), including multi-family buildings and buildings previously exempt under those paragraphs but subsequently non-exempt due to a change in occupancy or use, are subject to the requirements of this Act. Interior alterations which result in life safety or structural changes of the building are subject to the requirements of this Act.

(Source: P.A. 87-435; 88-650, eff. 9-16-94.)

(225 ILCS 305/21) (from Ch. 111, par. 1321)

Sec. 21. Professional design firm registration; conditions.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, of a corporation to practice architecture.

Any business not formed under the provisions of the Professional Service Corporation Act and not registered as such with the Department, and which includes the practice of architecture within its stated purposes, practices, or holds itself out as available to practice architecture, shall register with the Department under this Section. Any professional service corporation, sole proprietorship, or professional design firm offering architectural services must have a resident architect overseeing the architectural practices in each location in which architectural services are provided.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering architectural services to the public. "Illinois licensed design professional" means a person who holds an active license as an architect under this Act, as a structural engineer under the Structural Engineering Practice Licensing Act of 1989, or as a professional engineer under the Professional Engineering Practice Act of 1989. Any sole proprietorship owned and operated by an architect with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by an architect with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm.

(b) Any corporation, partnership, or professional design firm seeking to be registered under this Section shall not be registered unless:

(1) two-thirds of the board of directors, in the case of a corporation, or two-thirds of the general partners, in the case of a partnership, or two-thirds of the members, in the case of a limited liability company, are licensed under the laws of any State to practice architecture, professional engineering, or structural engineering; and

(2) the person having the architectural practice in this State in his charge is (A) a director in the case of a

corporation, a general partner in the case of a partnership, or a member in the case of a limited liability company, and (B) holds a license under this Act.

Any corporation, limited liability company, professional service corporation, or partnership qualifying under this Section and practicing in this State shall file with the Department any information concerning its officers, directors, members, managers, partners or beneficial owners as the Department may, by rule, require.

(c) No business shall practice or hold itself out as available to practice architecture until it is registered with the Department.

(d) Any business seeking to be registered under this Section shall make application on a form provided by the Department and shall provide any information requested by the Department, which shall include but shall not be limited to all of the following:

(1) The name and architect's license number of at least one person designated as the managing agent in responsible charge of the practice of architecture in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating at least one managing agent. If a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent.

(2) The names and architect's, professional engineer's, or structural engineer's, license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership.

(3) A list of all locations at which the professional design firm provides architectural services.

(4) A list of all assumed names of the business. Nothing in this Section shall be construed to exempt a business from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of termination.

Thereafter, the professional design firm, if it has so informed the Department, has 30 days in which to notify the Department of the name and architect's license number of the architect who is the newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm has not notified the Department in writing, by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the last known address of the business. If the professional design firm continues to operate and offer architectural services after the termination, the Department may seek prosecution under Sections 22, 36, and 36a of this Act for the unlicensed practice of architecture.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this Section, nor shall any individual practicing architecture be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed architect. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

(Source: P.A. 88-428; 89-594, eff. 8-1-96.)

(225 ILCS 305/38) (from Ch. 111, par. 1338)

Sec. 38. Fund; appropriations; investments; audits. Moneys deposited in the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice Licensing Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 62.1 of the Civil Administrative Code of Illinois and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 61e of the Civil Administrative Code of Illinois.

All fines and penalties under Sections 22 and 36 shall be deposited in the Design Professional Administration and Investigation Fund.

Moneys in the Design Professional Administration and Investigation Fund may be invested and reinvested, with all earnings received from the investments to be deposited in the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited in the Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by

Section 3-14 of the Illinois State Auditing Act.
(Source: P.A. 89-204, eff. 1-1-96.)

Section 30. The Interior Design Professional Title Act is amended by changing Section 4 as follows:

(225 ILCS 310/4) (from Ch. 111, par. 8204)

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Sec. 4. (a) No individual shall, without a valid registration as an interior designer issued by the Department, in any manner hold himself out to the public as an interior designer or attach the title "interior designer" or any other name or designation which would in any way imply that he is able to use the title "interior designer" as defined in this Act. No individual shall, without a valid registration as a residential interior designer issued by the Department, in any manner hold himself out to the public as a residential interior designer, or use the title "residential interior designer" or any name or designation that would in any way imply that he is able to use the title "residential interior designer" as defined in this Act.

(a-5) Nothing in this Act shall be construed as preventing or restricting the services offered or advertised by an interior designer who is registered under this Act.

(b) Nothing in this Act shall prevent the employment, by an interior designer or residential interior designer, association, partnership, or a corporation furnishing interior design or residential interior design services for remuneration, of persons not registered as interior designers or residential interior designers to perform services in various capacities as needed, provided that the persons do not represent themselves as, or use the title of, "interior designer", "registered interior designer", "residential interior designer" or "registered residential interior designer".

(c) Nothing in this Act shall be construed to limit the activities and use of the title "interior designer" or "residential interior designer" on the part of a person not registered under this Act who is a graduate of an interior design program and a full-time employee of a duly chartered institution of higher education insofar as such person engages in public speaking, with or without remuneration, provided that such person does not represent himself to be an interior designer or use the title "registered interior designer" or "registered residential interior designer".

(d) Nothing contained in this Act shall restrict any person not registered under this Act from carrying out any of the activities under paragraph (f) of Section 3 ~~(3)~~ if such person does not represent himself or his services in any manner prohibited by this Act.

(e) Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of any person licensed in this State under any other law from engaging in the profession or occupation for which he is licensed.

(f) Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of engineers licensed under the Professional Engineering Practice Act of 1989 or the Structural Engineering Practice ~~Licensing~~ Act of 1989; architects licensed pursuant to the Illinois Architectural Practice Act of 1989;

any interior decorator or individual offering interior decorating services including, but not limited to, the selection of surface materials, window treatments, wall coverings, furniture, accessories, paint, floor coverings, and lighting fixtures; or builders, home furnishings salespersons, and similar purveyors of goods and services relating to homemaking.

(g) Nothing in this Act or any other Act shall prevent a licensed architect from practicing interior design services or from using the title "interior designer" or "residential interior designer". Nothing in this Act shall be construed as requiring the services of an interior designer or residential interior designer for the interior designing of a single family residence.

(h) Nothing in this Act shall authorize interior designers or residential interior designers to perform services, including life

safety services that they are prohibited from performing, or any practice (i) that is restricted in the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, or the Structural Engineering ~~Practice Licensing~~ Act of 1989, or (ii) that they are not authorized to perform under the Environmental Barriers Act.

(Source: P.A. 88-650, eff. 9-16-94; revised 10-31-98.)

Section 35. The Illinois Plumbing License Law is amended by changing Section 3 as follows:

(225 ILCS 320/3) (from Ch. 111, par. 1103)

Sec. 3. (1) All planning and designing of plumbing systems and all plumbing shall be performed only by plumbers licensed under the provisions of this Act hereinafter called "licensed plumbers" and "licensed apprentice plumbers". The inspection of plumbing and plumbing systems shall be done only by the sponsor or his or her agent who shall be an Illinois licensed plumber. Nothing herein contained shall prohibit licensed plumbers or licensed apprentice plumbers under supervision from planning, designing, inspecting, installing, repairing, maintaining, altering or extending building sewers in accordance with this Act. No person who holds a license or certificate of registration under the Illinois Architecture Practice Act of 1989, or the Structural Engineering ~~Practice Licensing~~ Act of 1989, or the Professional Engineering Practice Act of 1989 shall be prevented from planning and designing plumbing systems.

(2) Nothing herein contained shall prohibit the owner occupant or lessee occupant of a single family residence, or the owner of a single family residence under construction for his or her occupancy, from planning, installing, altering or repairing the plumbing system of such residence, provided that (i) such plumbing shall comply with the minimum standards for plumbing contained in the Illinois State Plumbing Code, and shall be subject to inspection by the Department or the local governmental unit if it retains a licensed plumber as an inspector; and (ii) such owner, owner occupant or lessee occupant shall not employ other than a plumber licensed pursuant to this Act to assist him or her.

For purposes of this subsection, a person shall be considered an "occupant" if and only if he or she has taken possession of and is living in the premises as his or her bona fide sole and exclusive

residence, or, in the case of an owner of a single family residence under construction for his or her occupancy, he or she expects to take possession of and live in the premises as his or her bona fide sole and exclusive residence, and he or she has a current intention to live in such premises as his or her bona fide sole and exclusive residence for a period of not less than 6 months after the completion of the plumbing work performed pursuant to the authorization of this subsection, or, in the case of an owner of a single family residence under construction for his or her occupancy, for a period of not less than 6 months after the completion of construction of the residence. Failure to possess and live in the premises as a sole and exclusive residence for a period of 6 months or more shall create a rebuttable presumption of a lack of such intention.

(3) The employees of a firm, association, partnership or corporation who engage in plumbing shall be licensed plumbers or licensed apprentice plumbers. At least one member of every firm, association or partnership engaged in plumbing work, and at least one corporate officer of every corporation engaged in plumbing work, as the case may be, shall be a licensed plumber. A retired plumber cannot fulfill the requirements of this subsection (3).

(4) (a) A licensed apprentice plumber shall plan, design and install plumbing only under the supervision of the sponsor or his or her agent who is also an Illinois licensed plumber.

(b) An applicant for licensing as an apprentice plumber shall be at least 16 years of age and apply on the application form provided by the Department. Such application shall verify that the applicant is sponsored by an Illinois licensed plumber or an approved apprenticeship program and shall contain the name and license number of the licensed plumber or program sponsor.

(c) No licensed plumber shall sponsor more than 2 licensed apprentice plumbers at the same time. If 2 licensed apprentice plumbers are sponsored by a plumber at the same time, one of the apprentices must have, at a minimum, 2 years experience as a licensed apprentice. No licensed plumber sponsor or his or her agent may supervise 2 licensed apprentices with less than 2 years experience at the same time. The sponsor or agent shall supervise and be responsible for the plumbing performed by a licensed apprentice.

(d) No agent shall supervise more than 2 licensed apprentices at the same time.

(e) No licensed plumber may, in any capacity, supervise more than 2 licensed apprentice plumbers at the same time.

(f) No approved apprenticeship program may sponsor more licensed apprentices than 2 times the number of licensed plumbers available to supervise those licensed apprentices.

(g) No approved apprenticeship program may sponsor more licensed apprentices with less than 2 years experience than it has licensed plumbers available to supervise those licensed apprentices.

(h) No individual shall work as an apprentice plumber unless he or she is properly licensed under this Act. The Department shall issue an apprentice plumber's license to each

approved applicant.

(i) No licensed apprentice plumber shall serve more than a 6 year licensed apprenticeship period. If, upon completion of a 6 year licensed apprenticeship period, such licensed apprentice plumber does not apply for the examination for a plumber's license and successfully pass the examination for a plumber's license, his or her apprentice plumber's license shall not be renewed.

Nothing contained in P.A. 83-878, entitled "An Act in relation to professions", approved September 26, 1983, was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who operate, maintain or repair a water or sewer plant facility which is owned or operated by such governmental unit or privately owned municipal water supplier to be licensed plumbers under this Act. In addition, nothing contained in P.A. 83-878 was intended by the General Assembly nor should it be construed to permit persons other than licensed plumbers to perform the installation, repair, maintenance or replacement of plumbing fixtures, such as toilet facilities, floor drains, showers and lavatories, and the piping attendant to those fixtures, within such facility or in the construction of a new facility.

Nothing contained in P.A. 83-878, entitled "An Act in relation to professions", approved September 26, 1983, was intended by the General Assembly nor should it be construed to require the employees of a governmental unit or privately owned municipal water supplier who install, repair or maintain water service lines from water mains in the street, alley or curb line to private property lines and who install, repair or maintain water meters to be licensed plumbers under this Act if such work was customarily performed prior to the effective date of such Act by employees of such governmental unit or privately owned municipal water supplier who were not licensed

plumbers. Any such work which was customarily performed prior to the effective date of such Act by persons who were licensed plumbers or subcontracted to persons who were licensed plumbers must continue to be performed by persons who are licensed plumbers or subcontracted to persons who are licensed plumbers. When necessary under this Act, the Department shall make the determination whether or not persons who are licensed plumbers customarily performed such work.

(Source: P.A. 89-665, eff. 8-14-96.)

Section 40. The Professional Engineering Practice Act of 1989 is amended by changing Sections 3, 4, 23, 44, and 47 as follows:

(225 ILCS 325/3) (from Ch. 111, par. 5203)

Sec. 3. Application of the Act; Exemptions.

(a) Nothing in this Act shall be construed to prevent the practice of structural engineering as defined in the Structural Engineering Practice ~~Licensing~~ Act of 1989 or the practice of architecture as defined in the Illinois Architecture Practice Act of 1989 or the regular and customary practice of construction contracting and construction management as performed by construction contractors.

(b) Nothing in this Act shall prevent:

(1) Employees, including project representatives, of professional engineers lawfully practicing as sole owners, partnerships or corporations under this Act, from acting under the direct supervision of their employers.

(2) The employment of owner's representatives by the owner during the constructing, adding to, or altering of a project, or any parts thereof, provided that such owner's representative shall not have the authority to deviate from the technical submissions without the prior approval of the professional engineer for the project.

(3) The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for the Government.

(4) Services performed by employees of a business organization engaged in utility, industrial or manufacturing operations, or by employees of laboratory research affiliates of such business organization which are rendered in connection with the fabrication or production, sale, and installation of products, systems, or nonengineering services of the business organization or its affiliates.

(5) Inspection, maintenance and service work done by employees of the State of Illinois, any political subdivision thereof or any municipality.

(6) The activities performed by those ordinarily designated as chief engineer of plant operation, chief operating engineer, locomotive, stationary, marine, power plant or hoisting and portable engineers, electrical maintenance or service engineers, personnel employed in connection with construction, operation or maintenance of street lighting, traffic control signals, police and fire alarm systems, waterworks, steam, electric, and sewage treatment and disposal plants, or the services ordinarily performed by any worker regularly employed as a locomotive, stationary, marine, power plant, or hoisting and portable engineer or electrical maintenance or service engineer for any corporation, contractor or employer.

(7) The activities performed by a person ordinarily designated as a supervising engineer or supervising electrical maintenance or service engineer who supervises the operation of, or who operates, machinery or equipment, or who supervises construction or the installation of equipment within a plant

which is under such person's immediate supervision.

(8) The services, for private use, of contractors or owners in the construction of engineering works or the installation of equipment.

(c) No officer, board, commission, or other public entity charged with the enforcement of codes and ordinances involving a professional engineering project shall accept for filing or approval any technical submissions that do not bear the seal and signature of a professional engineer licensed under this Act.

(d) Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any

of the foregoing functions unless such person specifically contracts to provide it.

(Source: P.A. 86-667; 86-1475.)

(225 ILCS 325/4) (from Ch. 111, par. 5204)

Sec. 4. Definitions. As used in this Act:

(a) "Approved engineering curriculum" means an engineering curriculum of 4 academic years or more which meets the standards established by the rules of the Department.

(b) "Board" means the State Board of Professional Engineers of the Department of Professional Regulation, previously known as the Examining Committee.

(c) "Department" means the Department of Professional Regulation.

(d) "Design professional" means an architect, structural engineer or professional engineer practicing in conformance with the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice ~~Licensing~~ Act of 1989 or the Professional Engineering Practice Act of 1989.

(e) "Director" means the Director of Professional Regulation.

(f) "Direct supervision/responsible charge" means work prepared under the control of a licensed professional engineer or that work as to which that professional engineer has detailed professional knowledge.

(g) "Engineering college" means a school, college, university, department of a university or other educational institution, reputable and in good standing in accordance with rules prescribed by the Department, and which grants baccalaureate degrees in engineering.

(h) "Engineering system or facility" means a system or facility whose design is based upon the application of the principles of science for the purpose of modification of natural states of being.

(i) "Engineer intern" means a person who is a candidate for licensure as a professional engineer and who has been enrolled as an engineer intern.

(j) "Enrollment" means an action by the Department to record those individuals who have met the Board's requirements for an engineer intern.

(k) "License" means an official document issued by the Department to an individual, a corporation or a partnership signifying authority to practice.

(l) "Negligence in the practice of professional engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by professional engineers in the practice of professional engineering.

(m) "Professional engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering.

(n) "Professional engineering" means the application of science to the design of engineering systems and facilities using the knowledge, skills, ability and professional judgment developed through professional engineering education, training and experience.

(o) "Professional engineering practice" means the consultation on, conception, investigation, evaluation, planning, and design of,

and selection of materials and methods to be used in, administration of construction contracts for, or site observation of an engineering system or facility, where such consultation, conception, investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials, practice, and construction methods. A person shall be construed to practice or offer to practice professional engineering, within the meaning and intent of this Act, who practices, or who, by verbal claim, sign, advertisement, letterhead, card, or any other way, is represented to be a professional engineer, or through the use of the initials "P.E." or the title "engineer" or any of its derivations or some other title implies licensure as a professional engineer, or holds himself out as able to perform any service which is recognized as professional engineering practice.

Examples of the practice of professional engineering include, but need not be limited to, transportation facilities and publicly owned utilities for a region or community, railroads, railways, highways, subways, canals, harbors, river improvements; irrigation works; aircraft, airports and landing fields; waterworks, piping systems and appurtenances, sewers, sewage disposal works; plants for the generation of power; devices for the utilization of power; boilers; refrigeration plants, air conditioning systems and plants; heating systems and plants; plants for the transmission or distribution of power; electrical plants which produce, transmit, distribute, or utilize electrical energy; works for the extraction of minerals from the earth; plants for the refining, alloying or treating of metals; chemical works and industrial plants involving the use of chemicals and chemical processes; plants for the production, conversion, or utilization of nuclear, chemical, or radiant energy; forensic engineering, geotechnical engineering including, subsurface investigations; soil classification, geology and geohydrology, incidental to the practice of professional engineering; energy analysis, environmental design, hazardous waste mitigation and control; recognition, measurement, evaluation and control of environmental systems and emissions; automated building management systems; or the provision of professional engineering site observation of the construction of works and engineering systems. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it.

(p) "Project representative" means the professional engineer's representative at the project site who assists in the administration of the construction contract.

(q) "Registered" means the same as "licensed" for purposes of this Act.

(r) "Related science curriculum" means a 4 year program of study, the satisfactory completion of which results in a Bachelor of Science degree, and which contains courses from such areas as life, earth, engineering and computer sciences, including but not limited to, physics and chemistry. In the study of these sciences, the objective is to acquire fundamental knowledge about the nature of its phenomena, including quantitative expression, appropriate to particular fields of engineering.

(s) "Rules" means those rules promulgated pursuant to this Act.

(t) "Seal" means the seal in compliance with Section 14 of this

Act.

(u) "Site observation" is visitation of the construction site

for the purpose of reviewing, as available, the quality and conformance of the work to the technical submissions as they relate to design.

(v) "Support design professional" means a professional engineer practicing in conformance with the Professional Engineering Practice Act of 1989, who provides services to the design professional who has contract responsibility.

(w) "Technical submissions" means designs, drawings, and specifications which establish the standard of quality for materials, workmanship, equipment, and the construction systems, studies, and other technical reports prepared in the course of a design professional's practice.

(Source: P.A. 88-372.)

(225 ILCS 325/23) (from Ch. 111, par. 5223)

Sec. 23. Professional design firm registration.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, as amended, of a corporation to practice professional engineering.

Any business not formed under the provisions of the Professional Service Corporation Act and not registered as such with the Department, and which includes within its stated purposes or practices, or holds itself out as available to practice, professional engineering, shall be registered with the Department pursuant to the provisions set forth in this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering professional engineering services to the public. Any sole proprietorship owned and operated by a professional engineer with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a professional engineer with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm. "Illinois licensed design professional" means a person who holds an active license as a professional engineer under this Act, as an architect under the Illinois Architecture Practice Act of 1989, or as a structural engineer under the Structural Engineering Practice Licensing Act of 1989.

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of professional engineering activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional engineering in Illinois.

No individual whose license to practice professional engineering in this State is currently in a suspended or revoked status shall act

as a managing agent for a professional design firm.

(c) Any business seeking to be registered under this Section shall make application on a form provided by the Department and shall provide such information as requested by the Department, which shall include, but not be limited to:

(1) the name and license number of the person designated as the managing agent in responsible charge of the practice of professional engineering in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the

company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all office locations at which the professional design firm provides professional engineering services to the public; and

(4) a list of all assumed names of the business. Nothing in this Section shall be construed to exempt a professional design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(d) The Department shall issue to each business a certificate of registration to practice professional engineering or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and license number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm has not notified the Department in writing, by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification

of termination shall be sent by certified mail to the last known address of the business. If the professional design firm continues to operate and offer professional engineering services after the termination, the Department may seek prosecution under Sections 24, 39, and 40 of this Act for the unlicensed practice of professional engineering.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing professional engineering be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed professional engineer. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

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(Source: P.A. 88-428; 89-594, eff. 8-1-96.)

(225 ILCS 325/44) (from Ch. 111, par. 5244)

Sec. 44. Fund; appropriations; investments; audits. Moneys deposited in the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Illinois Architecture Practice Act, and the Structural Engineering Practice ~~Licensing~~ Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 62.1 of the Civil Administrative Code of Illinois and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 61e of the Civil Administrative Code of Illinois.

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested with all earnings received from the investments to be deposited in the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited in the Fund.

All fines and penalties under Section 24 and Section 39 shall be deposited in the Design Professionals Administration and Investigation Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that audit includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit report open to inspection by any interested person. The copy of the audit report required to be

submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 89-204, eff. 1-1-96.)

(225 ILCS 325/47) (from Ch. 111, par. 5247)

Sec. 47. Practice of structural engineering or architecture. No professional engineer shall practice either structural engineering as defined in the Structural Engineering Practice ~~Licensing~~ Act of 1989 or architecture as defined in the Illinois Architecture Practice Act of 1989 unless he is licensed pursuant to the provisions of either the Structural Engineering Licensing Act of 1989 or the Illinois Architecture Practice Act, respectively.

(Source: P.A. 86-667; 86-1475.)

Section 45. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 4 and 48 as follows:

(225 ILCS 330/4) (from Ch. 111, par. 3254)

Sec. 4. Definitions. As used in this Act:

(a) "Department" means the Department of Professional Regulation.

(b) "Director" means the Director of Professional Regulation.

(c) "Board" means the Land Surveyors Examining Board.

(d) "Direct supervision and control" means the personal review by a Licensed Professional Land Surveyor of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the Professional Land Surveyor or the firm for which the Professional Land Surveyor is employed is the provider of the surveying services.

(e) "Responsible charge" means an individual responsible for the

various components of the land survey operations subject to the overall supervision and control of the Professional Land Surveyor.

(f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer practicing in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice ~~Licensing~~ Act of 1989, or the Professional Engineering Practice Act of 1989.

(g) "Professional Land Surveyor" means any person licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.

(h) "Land Surveyor-in-Training" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveyor-in-training subjects as provided by this Act or its rules.

(i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying.

(Source: P.A. 86-987; 86-1475.)

(225 ILCS 330/48) (from Ch. 111, par. 3298)

Sec. 48. Fund, appropriations, investments and audits. The moneys deposited in the Design Professionals Administration and

Investigation Fund from fines and fees under this Act shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Architecture Practice Act, the Professional Engineering Practice Act of 1989, and the Structural Engineering Practice ~~Licensing~~ Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 62.1 of the Civil Administrative Code of Illinois and other expenses related to the administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 61e of the Civil Administrative Code of Illinois.

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested with all earnings received from the investments to be deposited in the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited in that Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 89-204, eff. 1-1-96.)

Section 50. The Structural Engineering Licensing Act of 1989 is amended by changing Sections 2, 4, 6, 7, 8, 9, 10, 11, 12, 16, 17, 19, and 20 and adding Section 14.5 as follows:

(225 ILCS 340/2) (from Ch. 111, par. 6602)

Sec. 2. This Act shall be known and may be cited as the Structural Engineering Practice ~~Licensing~~ Act of 1989.

(Source: P.A. 86-711.)

(225 ILCS 340/4) (from Ch. 111, par. 6604)

Sec. 4. In this Act:

(a) "Department" means the Department of Professional Regulation.

(b) "Director" means the Director of the Department of Professional Regulation.

(c) "Board" means the Structural Engineering Board appointed by the Director.

(d) "Negligence in the practice of structural engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by structural engineers in the practice of structural engineering.

(e) "Structural engineer intern" means a person who is a candidate for licensure as a structural engineer and who has been enrolled as a structural engineer intern.

(f) "Structural engineer" means a person licensed under the laws of the State of Illinois to practice structural engineering.

(Source: P.A. 86-711.)

(225 ILCS 340/6) (from Ch. 111, par. 6606)

Sec. 6. The Department of Professional Regulation shall exercise the following functions, powers and duties subject to the provisions of this Act:

(1) Conduct examinations to ascertain the qualifications and fitness of applicants for licensure as licensed structural engineers, and pass upon the qualifications and fitness of applicants for licensure by endorsement.

(2) Prescribe rules for a method of examination of candidates.

(3) Prescribe rules defining what shall constitute a school, college or university or department of a university, or other institution, reputable and in good standing, and to determine the reputability and good standing of a school, college or other institution reputable and in good standing by reference to a compliance with such rules; provided that no school, college or university, or department of a university or other institution that refuses admittance to applicants, solely on account of race, color, creed, sex, religion, physical or mental handicap unrelated to ability, or national origin shall be considered reputable and in good standing.

(3.5) Register corporations, partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of structural engineering and issue a license to those who qualify.

(4) Investigate complaints, conduct oral interviews, disciplinary conferences, and formal evidentiary hearings on proceedings to refuse to issue, renew or restore, or to suspend or revoke a license, or to place on probation or reprimand a licensee for reasons set forth in Section 20 of this Act.

(5) Formulate rules necessary to carry out the provisions of this Act.

(6) Maintain membership in a national organization that provides an acceptable structural engineering examination and participate in activities of the organization by designation of individuals for the various classifications of membership and the appointment of delegates for attendance at regional and national meetings of the organization. All costs associated with membership and attendance of such delegates to any national meetings may be funded from the Design Professionals Administration and Investigation Fund.

Prior to issuance of any final decision or order that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Director shall notify the Board and the Secretary of State in writing with an explanation of any such

deviation and provide a reasonable time for the Board to submit written comments to the Director regarding the proposed action. In the event that the Board fails or declines to submit such written comments within 30 days of said notification, the Director may issue a final decision or order consistent with the Director's original

decision.

None of these functions, powers or duties shall be exercised by the Department of Professional Regulation except upon the action and report in writing of the Board.

(Source: P.A. 86-711.)

(225 ILCS 340/7) (from Ch. 111, par. 6607)

Sec. 7. The Director shall appoint a Structural Engineering Board which shall consist of 6 members. Five members shall be Illinois licensed structural engineers, who have been engaged in the practice of structural engineering for a minimum of 10 years, and one shall be a public member. The public member shall be a voting member and shall not hold a license as an architect, professional engineer, structural engineer or land surveyor.

Members shall serve 5 year terms and until their successors are appointed and qualified, ~~except that of the initial appointments, 2 members shall be appointed to serve for one year, 2 shall be appointed to serve for 2 years and 2 shall be appointed to serve for 3 years and until their successors are appointed and qualified.~~

In making the designation of persons to act, the Director shall give due consideration to recommendations by members of the profession and by organizations of the structural engineering profession.

The membership of the Board should reasonably reflect representation from the geographic areas in this State.

No member shall be reappointed to the Board for a term which would cause his or her continuous service on the Board to be longer than 10 successive years. Service prior to the effective date of this Act shall not be considered in calculating length of service.

Appointments to fill vacancies shall be made in the same manner as original appointments, for the unexpired portion of the vacated term. Initial terms under this Act shall begin upon the expiration of the terms of Committee members appointed under The Illinois Structural Engineering Act.

Persons holding office as members of the Board Committee under ~~this the Illinois Structural Engineering Act~~ on the effective date of this Act shall serve as members of the Board Committee under this Act until the expiration of the term for which they were appointed and until their successors are appointed and qualified under this Act.

A quorum of the Board shall consist of a majority of Board members appointed. A majority of the quorum is required for Board decisions. Four members shall constitute a quorum of Board members. The Chairman shall only vote on all matters to come before the Board in the case of a tie vote.

The Director may terminate the appointment of any member for cause which in the opinion of the Director reasonably justifies such termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made therein. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

Whenever the Director is not satisfied that substantial justice

has been done in an examination, the Director may order a reexamination by the same or other examiners.

(Source: P.A. 86-711; 87-756.)

(225 ILCS 340/8) (from Ch. 111, par. 6608)

Sec. 8. The Board has the following powers and duties:

(a) The Board shall hold at least 3 regular meetings each year;

(b) The Board shall annually elect a Chairperson and a Vice Chairperson, both of whom ~~chairman who~~ shall be Illinois a licensed structural engineers ~~engineer~~;

(c) The Board, upon request by the Department, may make a curriculum evaluation to determine if courses conform to requirements of approved engineering programs;

(d) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act;

(e) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule;

(f) The Board shall assist the Department in conducting oral interviews, disciplinary conferences, and formal evidentiary hearings; ~~and~~

(g) The Board shall review applicant qualifications to sit for the examination or for licensure and shall make recommendations to the Department, ~~and~~ the Department shall review the Board's recommendations on applicant qualifications; ~~and~~ ~~Prior to issuance of any final decision or order which deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Director shall notify the Board and the Secretary of State in writing with an explanation of any such deviation and provide a reasonable time for the Board to submit written comments to the Director regarding the proposed action. In the event that the Board fails or declines to submit such written comments within 30 days of said notification, the Director may issue a final decision or order consistent with the Director's original decision.~~

(h) The Board shall submit written comments to the Director within 30 days from notification of any final decision or order from the Director that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules.

(Source: P.A. 88-428.)

(225 ILCS 340/9) (from Ch. 111, par. 6609)

Sec. 9. Applications for original licenses shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which is not refundable. The application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized educational body approved by the Board in accordance with rules prescribed by the Department.

An applicant who graduated from a structural engineering program

outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule ~~before taking the licensure examination.~~

(Source: P.A. 89-594, eff. 8-1-96.)

(225 ILCS 340/10) (from Ch. 111, par. 6610)

Sec. 10. The Department shall authorize examinations of applicants as structural engineers at such times and places as it may

determine. The examination of applicants shall be of a character to give a fair test of the qualifications of the applicant to practice structural engineering.

Applicants for examination as structural engineers are required to pay, either to the Department or the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

If an applicant neglects, fails without an approved excuse or refuses to take the next available examination offered for licensure under this Act, the fee paid by the applicant shall be forfeited to the Department and the application denied. If an applicant fails to pass an examination for a licensure under this Act within 3 years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualifications for examination in effect at the time of new application.

~~An applicant has one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to again take and pass the examination unless licensed in another jurisdiction of the United States within one year of passing the examination.~~

(Source: P.A. 86-711.)

(225 ILCS 340/11) (from Ch. 111, par. 6611)

Sec. 11. A person is qualified for enrollment licensure as a structural engineer intern or licensure as a structural engineer if that person has applied in writing in form and substance satisfactory to the Department and:

(a) The applicant is of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act. ~~any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to licensure;~~

(a-5) The applicant, if a structural engineer intern applicant, has met the minimum standards for enrollment as a structural engineer intern, which are as follows:

(1) is a graduate of an approved engineering curriculum of at least 4 years meeting the requirements as set forth by rule

and passes a nominal 8-hour written examination in the fundamentals of engineering; or

(2) is a graduate of a related science curriculum of at least 4 years meeting the requirements as set forth by rule and passes a nominal 8-hour written examination in the fundamentals of engineering.

(b) The applicant, if a structural engineer applicant, has met the minimum standards for licensure as a structural engineer, which are as follows:

(1) is a graduate of an approved engineering curriculum of at least 4 years meeting the requirements as set forth by rule and submits evidence acceptable to the Department of an additional 4 years or more of experience in structural engineering work of a grade and character which indicates that the individual may be competent to practice structural engineering as set forth by rule; or

(2) is a graduate of an approved related science curriculum

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of at least 4 years meeting the requirements as set forth by rule who submits evidence acceptable to the Department of an additional 8 years or more of progressive experience in structural engineering work of a grade and character which indicates that the individual may be competent to practice structural engineering as set forth by rule.:-and

(c) The applicant, if a structural engineer applicant, has passed an examination conducted by the Department to determine his or her fitness to receive a license as a Structural Engineer.

(Source: P.A. 86-711.)

(225 ILCS 340/12) (from Ch. 111, par. 6612)

Sec. 12. Every holder of a license as a structural engineer shall display it in a conspicuous place in the holder's principal office, place of business or employment.

Every licensed structural engineer shall have a reproducible seal or facsimile, the print of which shall contain the name, ~~place of business~~ and license number of the structural engineer, and the words "Licensed Structural Engineer," "State of Illinois." The licensed structural engineer shall ~~stamp with this~~ seal all plans, drawings, and specifications prepared by or under the engineer's supervision.

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents have either been produced by others working under the licensed structural engineer's personal supervision and control or when the licensed structural engineer has sufficiently reviewed the documents to ensure that they have met the standards of reasonable professional skill and diligence. In reviewing the work of others, the licensed structural engineer shall, where necessary, do calculations ~~recalculations~~, redesign, or any other work necessary to be done to meet such standards and should retain evidence of having done such review. The documents sealed by the licensed structural engineer shall be of no lesser quality than if they had been produced by the licensed structural engineer. The licensed structural engineer who seals the work of others is obligated to provide sufficient supervision and review of such work so that the public is protected.

The licensed structural engineer shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets prepared by the licensed structural engineer or under that licensed structural engineer's immediate supervision.

(Source: P.A. 86-711.)

(225 ILCS 340/14.5 new)

Sec. 14.5. Continuing education. The Department may promulgate rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 14 or 15 of this Act.

(225 ILCS 340/16) (from Ch. 111, par. 6616)

Sec. 16. The Department may, in its discretion, license as a structural engineer ~~upon, without examination on~~ payment of the required fee, an applicant who is a structural engineer licensed under the laws of another state or territory, or of another country, if the requirements for licensure in the state, territory or country were, at the date of licensure, substantially equivalent to the requirements in force in this State on that date.

Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 86-711.)

(225 ILCS 340/17) (from Ch. 111, par. 6617)

Sec. 17. Fees.

(a) The Department shall provide by rule for a schedule of fees to be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of the Act, including but not limited to original licensure, renewal, and restoration, shall be set by rule by the Department.

(c) All fees and fines collected shall be deposited in the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.

~~(a) The following fees are not refundable:~~

~~(1) The fee for application for a license is \$100.~~

~~(2) In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for each examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.~~

~~(3) The fee for a license for a structural engineer registered or licensed under the laws of another state or territory of the United States, or a foreign country or province is \$100.~~

~~(4) The fee for the renewal of a license shall be \$60.~~

~~(5) The fee for the restoration of a license other than from inactive status is \$10 plus payment of all lapsed renewal fees.~~

~~(6) The fee for application for a certificate of registration as a professional design firm is \$75.~~

~~(7) The fee for renewal of a certificate of registration as a professional design firm shall be \$75.~~

~~(b) General fees.~~

~~(1) The fee for the issuance of a license, for the issuance of a replacement license for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.~~

~~(2) The fee for a certification of a registrant's record for any purpose is \$20.~~

~~(3) The fee for rescoring an examination is the cost to the Department for rescoring the examination plus any fees charged by the applicable testing service.~~

~~(4) The fee for a wall certificate showing licensure is the actual cost of producing such certificate.~~

~~(5) The fee for a roster of persons licensed as structural engineers in this State is the actual cost of producing such a roster.~~

~~All of the fees collected pursuant to this Section shall be deposited in the Design Professionals Administration and Investigation Fund.~~

~~(c) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in~~

~~addition to the amount already owed to the Department, a fine of \$50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of~~

~~an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.~~

(Source: P.A. 87-1031; 88-91; 88-428; 88-670, eff. 12-2-94.)

(225 ILCS 340/19) (from Ch. 111, par. 6619)

Sec. 19. Professional design firm registration; conditions.

(a) Nothing in this Act prohibits the formation, under the provisions of the Professional Service Corporation Act, as amended, of a corporation to practice structural engineering.

~~Any business, including a Professional Service Corporation, that not formed under the provisions of the Professional Service Corporation Act and not registered as such with the Department, and which~~ includes within its stated purposes, practices, or holds itself out as available to practice, structural engineering, shall be registered with the Department pursuant to the provisions of this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering structural engineering services to the public. "Illinois licensed design professional" means a person who holds an active license as a structural engineer under this Act, as an architect under the Illinois Architecture Practice Act of 1989, or as a professional engineer under the Professional Engineering Practice Act of 1989. Any sole proprietorship owned and operated by a structural engineer with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a structural engineer with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm.

Any partnership which includes within its purpose, practices, or holds itself out as available to practice structural engineering, shall register with the Department pursuant to the provisions set forth in this Section.

(b) Any professional design firm seeking to be registered under the provisions of this Section shall not be registered unless a managing agent in charge of structural engineering activities in this State is designated by the professional design firm. A managing agent must at all times maintain a valid, active license to practice

structural engineering in Illinois.

No individual whose license to practice structural engineering in this State is currently in a suspended or revoked status shall act as a managing agent for a professional design firm.

(c) No business shall practice or hold itself out as available to practice structural engineering until it is registered with the Department.

(d) Any business seeking to be registered under this Section

shall apply for a certificate of registration on a form provided by the Department and shall provide such information as requested by the Department, which shall include but shall not be limited to:

(1) the name and license number of the person designated as the managing agent in responsible charge of the practice of structural engineering in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all locations at which the professional design firm provides structural engineering services to the public; and

(4) A list of all assumed names of the business. Nothing in this Section shall be construed to exempt a professional design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It shall be the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(e) In the event a managing agent is terminated or terminates his status as managing agent of the professional design firm, such managing agent and professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of such termination.

Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and registration number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm fails to notify the Department in writing by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the last known address of the business. If the professional design firm continues to operate and offer structural engineering services after the termination, the Department may seek prosecution under Sections 20, 34, and 34a of this Act for the unlicensed practice of structural engineering.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agents, employees,

members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing structural engineering be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed structural engineer. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

It is unlawful for any person to practice, or to attempt to practice, structural engineering, without being licensed under this Act. It is unlawful for any business not subject to the sole proprietorship exemption to offer or provide structural engineering services without active registration issued by the Department as a professional design firm or professional service corporation.

(Source: P.A. 88-428; 89-594, eff. 8-1-96.)

(225 ILCS 340/20) (from Ch. 111, par. 6620)

Sec. 20. (a) The Department may, singularly or in combination, refuse to issue, renew, or restore, or may suspend or revoke any license or certificate of registration, or may place on probation, reprimand, or fine, with a civil penalty not to exceed \$10,000 for each violation, any person, corporation, partnership, or professional design firm registered or licensed under this Act for any of the following reasons:

(1) Material misstatement in furnishing information to the Department;

(2) Negligence, incompetence or misconduct in the practice of structural engineering;

(3) Making any misrepresentation for the purpose of obtaining licensure;

(4) The affixing of a licensed structural engineer's seal to any plans, specifications or drawings which have not been prepared by or under the immediate personal supervision of that licensed structural engineer or reviewed as provided in this Act;

(5) Conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to the practice of Structural Engineering or not, or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element of which is dishonesty, or which is directly related to the practice of structural engineering;

(6) Making a statement of compliance pursuant to the Environmental Barriers Act, as now or hereafter amended, that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance;

(7) Failure to comply with any of the provisions of this Act or its rules;

(8) Aiding or assisting another person in violating any provision of this Act or its rules;

(9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public, as defined by rule;

(10) Habitual intoxication or addiction to the use of drugs;

(11) A finding by the Board that an applicant or licensee has failed to pay a fine imposed by the Department or a licensee whose license has been placed on probationary status, has

violated the terms of probation;

(12) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other governmental agency, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Section;

(13) Failure to provide information in response to a written request made by the Department within 30 days after the receipt of such written request; ~~or~~

(14) Physical illness, which results in the inability to practice the profession of structural engineering with reasonable judgment, skill or safety; ~~or including, but not limited to, deterioration through the aging process or loss of motor skill.~~

(a-5) In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided

in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the licensee be allowed to resume practice.

The Department may refuse to issue, or may suspend, the license of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of such tax Act are satisfied.

Persons who assist the Department as consultants or expert

witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as a result of such assistance, except upon proof of actual malice. The Attorney General of the State of Illinois shall defend such persons in any such action or proceeding.

(Source: P.A. 88-428.)

Section 55. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 is amended by changing Section 30 as follows:

(225 ILCS 446/30)

Sec. 30. Exemptions.

(a) This Act does not apply to:

(1) An officer or employee of the United States, this State, or any political subdivision of either while the officer or employee is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this State, or any political subdivision of either. However, any person who offers his or her services as a private detective or private security contractor, or any title when similar services are performed for compensation, fee, or other valuable consideration, whether received directly or indirectly, is subject to this Act and its licensing requirements.

(2) An attorney-at-law licensed to practice in Illinois while engaging in the practice of law.

(3) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating or credit worthiness of persons; and a person who provides consumer reports in connection with:

(i) Credit transactions involving the consumer on whom the information is to be furnished and involving the extensions of credit to the consumer.

(ii) Information for employment purposes.

(iii) Information for the underwriting of insurance involving the consumer.

(4) Insurance adjusters legally employed or under contract as adjusters and who engage in no other investigative activities

other than those directly connected with adjustment of claims against an insurance company or self-insured by which they are employed or with which they have a contract. No insurance adjuster or company may utilize the term "investigation" or any derivative thereof in its company name or in its advertising other than for the handling of insurance claims.

For the purposes of this Code, "insurance adjuster" includes any person expressly authorized to act on behalf of an insurance company or self-insured and any employee thereof who acts or appears to act on behalf of the insurance company or self-insured in matters relating to claims, including but not limited to independent contractors while performing claim services at the direction of the company.

(5) A person engaged exclusively and employed by a person, firm, association, or corporation in the business of transporting persons or property in interstate commerce and making an investigation related to the business of that employer.

(6) Any person, watchman, or guard employed exclusively and regularly by one employer in connection with the affairs of that employer only and there exists an employer/employee relationship.

(7) Any law enforcement officer, as defined in the Illinois Police Training Act, who has successfully completed the requirements of basic law enforcement and firearms training as

prescribed by the Illinois Law Enforcement Training Standards Board, employed by an employer in connection with the affairs of that employer, provided he or she is exclusively employed by the employer during the hours or times he or she is scheduled to work for that employer, and there exists an employer and employee relationship.

In this subsection an "employee" is a person who is employed by an employer who has the right to control and direct the employee who performs the services in question, not only as to the result to be accomplished by the work, but also as to the details and means by which the result is to be accomplished; and an "employer" is any person or entity, with the exception of a private detective, private detective agency, private security contractor, private security contractor agency, private alarm contractor, or private alarm contractor agency, whose purpose it is to hire persons to perform the business of a private detective, private detective agency, private security contractor, private security contractor agency, private alarm contractor, or private alarm contractor agency.

(8) A person who sells burglar alarm systems and does not install, monitor, maintain, alter, repair, service, or respond to burglar alarm systems at protected premises or premises to be protected, provided:

(i) The burglar alarm systems are approved either by Underwriters Laboratories or another authoritative source recognized by the Department and are identified by a federally registered trademark.

(ii) The owner of the trademark has expressly authorized the person to sell the trademark owner's

products, and the person provides proof of this authorization upon the request of the Department.

(iii) The owner of the trademark maintains, and provides upon the Department's request, a certificate evidencing insurance for bodily injury or property damage arising from faulty or defective products in an amount not less than \$1,000,000 combined single limit; provided that the policy of insurance need not relate exclusively to burglar alarm systems.

(9) A person who sells, installs, maintains, or repairs automobile alarm systems.

(9-5) A person, firm, or corporation engaged solely and exclusively in tracing and compiling lineage or ancestry.

(b) Nothing in this Act prohibits any of the following:

(A) Servicing, installing, repairing, or rebuilding automotive locks by automotive service dealers, as long as they do not hold themselves out to the public as locksmiths.

(B) Police, fire, or other municipal employees from opening a lock in an emergency situation, as long as they do not hold themselves out to the public as locksmiths.

(C) Any merchant or retail or hardware store from duplicating keys, from installing, servicing, repairing, rebuilding, reprogramming, or maintaining electronic garage door devices or from selling locks or similar security accessories not prohibited from sale by the State of Illinois, as long as they do not hold themselves out to the public as locksmiths.

(D) The installation or removal of complete locks or locking devices by members of the building trades when doing so in the course of residential or commercial new construction or remodeling, as long as they do not hold themselves out to the public as locksmiths.

(E) The employees of towing services, reposseors, or auto

clubs from opening automotive locks in the normal course of their duties, as long as they do not hold themselves out to the public as locksmiths. Additionally, this Act shall not prohibit employees of towing services from opening motor vehicle locks to enable a vehicle to be moved without towing, provided that the towing service does not hold itself out to the public, by yellow page advertisement, through a sign at the facilities of the towing service, or by any other advertisement, as a locksmith.

(F) The practice of locksmithing by students in the course of study in programs approved by the Department, provided that the students do not hold themselves out to the public as locksmiths.

(G) Servicing, installing, repairing, or rebuilding locks by a lock manufacturer or anyone employed by a lock manufacturer, as long as they do not hold themselves out to the public as locksmiths.

(H) The provision of any of the products or services in the practice of locksmithing as identified in Section 5 of this Act by a business licensed by the State of Illinois as a private alarm contractor or private alarm contractor agency, as long as

the principal purpose of the services provided to a customer is not the practice of locksmithing and the business does not hold itself out to the public as a locksmith agency.

(I) Any maintenance employee of a property management company at a multi-family residential building from servicing, installing, repairing, or opening locks for tenants as long as the maintenance employee does not hold himself or herself out to the public as a locksmith.

(J) A person, firm, or corporation from engaging in fire protection engineering, including the design, testing, and inspection of fire protection systems.

(K) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989.

(L) The practice of structural engineering as defined in the Structural Engineering Practice ~~Licensing~~ Act of 1989.

(M) The practice of architecture as defined in the Illinois Architecture Practice Act of 1989.

(N) The activities of persons or firms licensed under the Illinois Public Accounting Act if performed in the course of their professional practice.

(c) This Act does not prohibit any persons legally regulated in this State under any other Act from engaging in the practice for which they are licensed, provided that they do not represent themselves by any title prohibited by this Act.

(Source: P.A. 89-366, eff. 1-1-96; 90-436, eff. 1-1-98; 90-633, eff. 7-24-98.)

Section 60. The Professional Geologist Licensing Act is amended by changing Section 20 as follows:

(225 ILCS 745/20)

Sec. 20. Exemptions. Nothing in this Act shall be construed to restrict the use of the title "geologist" or similar words by any person engaged in a practice of geology exempted under this Act, provided the person does not hold himself or herself out as being a licensed professional geologist or does not practice professional geology in a manner requiring licensure under this Act. Performance of the following activities does not require licensure as a licensed professional geologist under this Act:

(a) The practice of professional geology by an employee or a subordinate of a licensee under this Act, provided the work does not include responsible charge of geological work and is performed under the direct supervision of a licensed professional geologist who is

responsible for the work.

(b) The practice of professional geology by officers and employees of the United States government within the scope of their employment.

(c) The practice of professional geology as geologic research to advance basic knowledge for the purpose of offering scientific papers, publications, or other presentations (i) before meetings of scientific societies, (ii) internal to a partnership, corporation, proprietorship, or government agency, or (iii) for publication in scientific journals, or in books.

(d) The teaching of geology in schools, colleges, or

universities, as defined by rule.

(e) The practice of professional geology exclusively in the exploration for or development of energy resources or base, precious and nonprecious minerals, including sand, gravel, and aggregate, that does not require, by law, rule, or ordinance, the submission of reports, documents, or oral or written testimony to public agencies. Public agencies may, by law or by rule, allow required oral or written testimony, reports, permit applications, or other documents based on the science of geology to be submitted to them by persons not licensed under this Act. Unless otherwise required by State or federal law, public agencies may not require that the geology-based aspects of testimony, reports, permits, or other documents so exempted be reviewed by, approved, or otherwise certified by any person who is not a licensed professional geologist. Licensure is not required for the submission and review of reports or documents or the provision of oral or written testimony made under the Well Abandonment Act, the Illinois Oil and Gas Act, the Surface Coal Mining Land Conservation and Reclamation Act, or the Surface-Mined Land Conservation and Reclamation Act.

(f) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989.

(g) The practice of structural engineering as defined in the Structural Engineering Practice Licensing Act of 1989.

(h) The practice of architecture as defined in the Illinois Architecture Practice Act of 1989.

(i) The practice of land surveying as defined in the Illinois Professional Land Surveyor Act of 1989.

(j) The practice of landscape architecture as defined in the Illinois Landscape Architecture Act of 1989.

(Source: P.A. 89-366, eff. 7-1-96.)

Section 65. The Environmental Barriers Act is amended by changing Section 7 as follows:

(410 ILCS 25/7) (from Ch. 111 1/2, par. 3717)

Sec. 7. Penalties.

(a) Any owner constructing or altering a public facility or constructing a multi-story housing unit in violation of this Act shall be guilty of a business offense punishable by a fine not to exceed \$250 per day, and each day the owner is in violation of this Act constitutes a separate offense.

(b) Any architect or engineer negligently or intentionally stating pursuant to Section 5 of this Act that a plan is in compliance with this Act when such plan is not in compliance shall be subject to a suspension, revocation or refusal of restoration of his or her certificate of registration or license pursuant to the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989 and the Structural Engineering Practice Licensing Act of 1989.

(c) Any person issuing a building permit or other official authorization for the construction or alteration of a public facility or the construction of a multi-story housing unit in violation of

this Act shall be guilty of a business offense punishable by a fine not to exceed \$1,000.

(d) The executive director of the Capital Development Board or any other person may request the State's Attorney of the county in which the public facility or multi-story housing unit is located to initiate prosecution under this Section.

(Source: P.A. 86-711; 86-1475; 87-562.)

Section 70. The Professional Service Corporation Act is amended by changing Section 3.6 as follows:

(805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

Sec. 3.6. "Related professions" and "related professional services" mean more than one personal service which requires as a condition precedent to the rendering thereof the obtaining of a license and which prior to October 1, 1973 could not be performed by a corporation by reason of law; provided, however, that these terms shall be restricted to:

(1) a combination of two or more of the following personal services: (a) "architecture" as defined in Section 5 of the Illinois Architecture Practice Act of 1989, (b) "professional engineering" as defined in Section 4 of the Professional Engineering Practice Act of 1989, (c) "structural engineering" as defined in Section 5 of the Structural Engineering Practice Licensing Act of 1989, (d) "land surveying" as defined in Section 2 of the Illinois Professional Land Surveyor Act of 1989; or

(2) a combination of the following personal services: (a) the practice of medicine in all of its branches, (b) the practice of podiatry as defined in Section 5 of the Podiatric Medical Practice Act of 1987, (c) the practice of dentistry as defined in the Illinois Dental Practice Act, (d) the practice of optometry as defined in the Illinois Optometric Practice Act of 1987.

(Source: P.A. 90-230, eff. 1-1-98.)

Section 999. Effective date. This Act takes effect January 1, 2000, except that Section 5 takes effect upon becoming law."

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 127** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 127 by replacing the title with the following:

"AN ACT concerning professional engineers."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Section 4.10 and adding Section 4.20 as follows:

(5 ILCS 80/4.10) (from Ch. 127, par. 1904.10)

Sec. 4.10. The following Acts are repealed December 31, 1999:

The Fire Equipment Distributor and Employee Regulation Act.

~~The Professional Engineering Practice Act of 1989.~~

The Structural Engineering Licensing Act of 1989.

The Illinois Architecture Practice Act of 1989.

The Illinois Landscape Architecture Act of 1989.

The Illinois Professional Land Surveyor Act of 1989.

The Land Sales Registration Act of 1989.

The Real Estate License Act of 1983.
(Source: P.A. 86-667; 86-702; 86-711; 86-925; 86-932; 86-987;

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86-1007; 86-1028.)

(5 ILCS 80/4.20 new)

Sec. 4.20. Act repealed on January 1, 2010. The following Act is repealed on January 1, 2010:

The Professional Engineering Practice Act of 1989.

Section 10. The Professional Engineering Practice Act of 1989 is amended by changing Sections 4, 5, 6, 7, 8, 10, 12, 14, 15, 20, 23, 24, and 44 and by adding Section 17.5 as follows:

(225 ILCS 325/4) (from Ch. 111, par. 5204)

Sec. 4. Definitions. As used in this Act:

(a) "Approved engineering curriculum" means an engineering curriculum of 4 academic years or more which meets the standards established by the rules of the Department.

(b) "Board" means the State Board of Professional Engineers of the Department of Professional Regulation, previously known as the Examining Committee.

(c) "Department" means the Department of Professional Regulation.

(d) "Design professional" means an architect, structural engineer or professional engineer practicing in conformance with the Illinois Architecture Practice Act of 1989, the Structural Engineering Licensing Act of 1989 or the Professional Engineering Practice Act of 1989.

(e) "Director" means the Director of Professional Regulation.

(f) "Direct supervision/responsible charge" means work prepared under the control of a licensed professional engineer or that work as to which that professional engineer has detailed professional knowledge.

(g) "Engineering college" means a school, college, university, department of a university or other educational institution, reputable and in good standing in accordance with rules prescribed by the Department, and which grants baccalaureate degrees in engineering.

(h) "Engineering system or facility" means a system or facility whose design is based upon the application of the principles of science for the purpose of modification of natural states of being.

(i) "Engineer intern" means a person who is a candidate for licensure as a professional engineer and who has been enrolled as an engineer intern.

(j) "Enrollment" means an action by the Department to record those individuals who have met the Board's requirements for an engineer intern.

(k) "License" means an official document issued by the Department to an individual, a corporation, ~~or~~ a partnership, a professional service corporation, a limited liability company, or a sole proprietorship, signifying authority to practice.

(l) "Negligence in the practice of professional engineering" means the failure to exercise that degree of reasonable professional skill, judgment and diligence normally rendered by professional engineers in the practice of professional engineering.

(m) "Professional engineer" means a person licensed under the laws of the State of Illinois to practice professional engineering.

(n) "Professional engineering" means the application of science to the design of engineering systems and facilities using the knowledge, skills, ability and professional judgment developed through professional engineering education, training and experience.

(o) "Professional engineering practice" means the consultation on, conception, investigation, evaluation, planning, and design of, and selection of materials and methods to be used in, administration of construction contracts for, or site observation of an engineering system or facility, where such consultation, conception,

investigation, evaluation, planning, design, selection, administration, or observation requires extensive knowledge of engineering laws, formulae, materials, practice, and construction methods. A person shall be construed to practice or offer to practice professional engineering, within the meaning and intent of this Act, who practices, or who, by verbal claim, sign, advertisement, letterhead, card, or any other way, is represented to be a professional engineer, or through the use of the initials "P.E." or the title "engineer" or any of its derivations or some other title implies licensure as a professional engineer, or holds himself out as able to perform any service which is recognized as professional engineering practice.

Examples of the practice of professional engineering include, but need not be limited to, transportation facilities and publicly owned utilities for a region or community, railroads, railways, highways, subways, canals, harbors, river improvements; irrigation works; aircraft, airports and landing fields; waterworks, piping systems and appurtenances, sewers, sewage disposal works; plants for the generation of power; devices for the utilization of power; boilers; refrigeration plants, air conditioning systems and plants; heating systems and plants; plants for the transmission or distribution of power; electrical plants which produce, transmit, distribute, or utilize electrical energy; works for the extraction of minerals from the earth; plants for the refining, alloying or treating of metals; chemical works and industrial plants involving the use of chemicals and chemical processes; plants for the production, conversion, or utilization of nuclear, chemical, or radiant energy; forensic engineering, geotechnical engineering including, subsurface investigations; soil classification, geology and geohydrology, incidental to the practice of professional engineering; energy analysis, environmental design, hazardous waste mitigation and control; recognition, measurement, evaluation and control of environmental systems and emissions; automated building management systems; or the provision of professional engineering site observation of the construction of works and engineering systems. Nothing contained in this Section imposes upon a person licensed under this Act the responsibility for the performance of any of the foregoing functions unless such person specifically contracts to provide it.

(p) "Project representative" means the professional engineer's representative at the project site who assists in the administration

of the construction contract.

(q) "Registered" means the same as "licensed" for purposes of this Act.

(r) "Related science curriculum" means a 4 year program of study, the satisfactory completion of which results in a Bachelor of Science degree, and which contains courses from such areas as life, earth, engineering and computer sciences, including but not limited to, physics and chemistry. In the study of these sciences, the objective is to acquire fundamental knowledge about the nature of its phenomena, including quantitative expression, appropriate to particular fields of engineering.

(s) "Rules" means those rules promulgated pursuant to this Act.

(t) "Seal" means the seal in compliance with Section 14 of this Act.

(u) "Site observation" is visitation of the construction site for the purpose of reviewing, as available, the quality and conformance of the work to the technical submissions as they relate to design.

(v) "Support design professional" means a professional engineer practicing in conformance with the Professional Engineering Practice

Act of 1989, who provides services to the design professional who has contract responsibility.

(w) "Technical submissions" means designs, drawings, and specifications which establish the standard of quality for materials, workmanship, equipment, and the construction systems, studies, and other technical reports prepared in the course of a design professional's practice.

(Source: P.A. 88-372.)

(225 ILCS 325/5) (from Ch. 111, par. 5205)

Sec. 5. Powers and duties of the Department. Subject to the provisions of this Act, the Department shall exercise the following functions, powers and duties:

(a) To pass upon the qualifications and conduct examinations of applicants for licensure as professional engineers or enrollment as engineer interns and pass upon the qualifications of applicants by endorsement and issue a license or enrollment to those who are found to be fit and qualified;

(b) To prescribe rules for the method, conduct and grading of the examination of applicants;

(c) To license corporations, ~~and~~ partnerships, professional service corporations, limited liability companies, and sole proprietorships for the practice of professional engineering and issue a license to those who qualify;

(d) To conduct investigations and hearings regarding violations of this Act and take disciplinary or other actions as provided in this Act as a result of the proceedings;

(e) To prescribe rules as to what shall constitute an engineering or related science curriculum and to determine if a specific engineering curriculum is in compliance with the rules, and to terminate the approval of a specific engineering curriculum for non-compliance with such rules;

(f) To promulgate rules required for the administration of this

Act, including rules of professional conduct;

(g) To maintain membership in the National Council of Examiners for Engineering and Surveying and participate in activities of the Council by designation of individuals for the various classifications of membership, the appointment of delegates for attendance at zone and national meetings of the Council, and the funding of the delegates for attendance at the meetings of the Council; and

(h) To obtain written recommendations from the Board regarding qualifications of individuals for licensure and enrollment, definitions of curriculum content and approval of engineering curricula, standards of professional conduct and formal disciplinary actions, and the promulgation of the rules affecting these matters.

Prior to issuance of any final decision or order that deviates from any report or recommendations of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Director shall notify the Board in writing with an explanation of any such deviation and provide a reasonable time for the Board to submit written comments to the Director regarding the proposed action. In the event that the Board fails or declines to submit such written comments within 30 days of said notification, the Director may issue a final decision or orders consistent with the Director's original decision. The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.

None of the functions, powers or duties enumerated in this Section shall be exercised by the Department except upon the action and report in writing of the Board.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 325/6) (from Ch. 111, par. 5206)

Sec. 6. Composition, qualifications and terms of the Board. (a) The Board shall be appointed by the Director and shall consist of 10 members, one of whom shall be a public member and 9 of whom shall be professional engineers licensed under this Act. In addition each member who is a professional engineer shall:

- (1) be a citizen of the United States, and
- (2) be a resident of this State.

(b) In addition, each member who is a professional engineer shall:

(1) have not less than 12 years of experience in the practice of professional engineering, and shall hold an active license as a professional engineer in Illinois;

(2) have been in charge of professional engineering work for at least 5 years. For the purposes of this Section, any period in which a person has been in charge of teaching engineering in an engineering college with the rank of assistant professor or higher shall be considered as time in which such person was in charge of professional engineering work.

The terms for all members shall be for 5 years. On the expiration of the term of any member or in the event of a vacancy, the Director shall appoint a member who shall hold office until the expiration of the term for which the member is appointed and until a successor has been appointed and qualified.

No member shall be reappointed to the Board for a term which would cause that individual's continuous service on the Board to be longer than 15 successive years.

In implementing the 5 year terms, the Director shall vary the terms to enable the Board to have no more than 2 terms expire in any one year.

The public member shall not be an employee of the State of Illinois. The public member shall be an Illinois resident and a citizen of the United States.

In making appointments to the Board, the Director shall give due consideration to recommendations by members of the profession and by organizations therein.

The Director may remove any member of the Board for misconduct, incompetence, neglect of duty or for reasons prescribed by law for removal of State officials.

The Director may remove a member of the Board who does not attend 2 consecutive meetings. ~~An appointment to fill a vacancy thus created shall be to fill the unexpired term of office and shall be in accordance with this Section.~~

A quorum of the Board shall consist of ~~not less than 6 members.~~ a majority of Board members appointed. Majority vote of the quorum is required for Board decisions.

Each member of the Board shall receive compensation when attending Board meetings or meetings approved by the Director and shall be reimbursed for all actual traveling expenses.

Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

Persons holding office as members of the Board immediately prior to the effective date of this Act under the Act repealed herein shall continue as members of the Board until the expiration of the term for which they were appointed and until their successors are appointed and qualified.

(Source: P.A. 86-667.)

(225 ILCS 325/7) (from Ch. 111, par. 5207)

Sec. 7. Powers and duties of the Board. Subject to the provisions of this Act, the Board shall exercise the following functions, powers and duties:

(a) Review education and experience qualifications of applicants, including conducting oral interviews as deemed necessary by the Board, to determine eligibility as an engineer intern or professional engineer and submit to the Director written recommendations on applicant qualifications for enrollment and licensure;

(b) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule;

(c) Conduct hearings regarding disciplinary actions and submit a written report and recommendations to the Director as required by this Act and to provide a Board member at informal conferences;

(d) Make visits to universities or colleges to evaluate

engineering curricula or to otherwise evaluate engineering curricula and submit to the Director a written recommendation of acceptability of a curriculum;

(e) Submit a written recommendation to the Director concerning promulgation of rules as required in Section 5 and to recommend to the Director any rules or amendments thereto for the administration of this Act;

(f) Hold at least 3 regular meetings each year; ~~and~~

(g) Elect annually a chairperson and a vice-chairperson who shall be professional engineers; ~~and-~~

(h) Submit written comments to the Director within 30 days from notification of any final decision or order from the Director that deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules.

~~Prior to issuance of any final decision or order which deviates from any report or recommendation of the Board relating to the qualification of applicants, discipline of licensees or registrants, or promulgation of rules, the Director shall notify the Board and the Secretary of State in writing with an explanation of any such deviation and provide a reasonable time for the Board to submit written comments to the Director regarding the proposed action. In the event that the Board fails or declines to submit such written comments within 30 days of said notification, the Director may issue a final decision or order consistent with the Director's original decision. The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.~~

(Source: P.A. 88-428.)

(225 ILCS 325/8) (from Ch. 111, par. 5208)

Sec. 8. Applications for licensure. (a) Applications for licensure shall (1) be on forms prescribed and furnished by the Department, (2) contain statements made under oath showing the applicant's education and a detailed summary of the applicant's technical work, and (3) contain references as required by the Department.

(b) Applicants shall have obtained the education and experience as required in Section 10 or Section 11 prior to submittal of application for examination, except as provided in subsection (b) of Section 11. Allowable experience shall commence at the date of the baccalaureate degree, except:

(1) Credit for one year of experience shall be given for a graduate of a baccalaureate curriculum providing a cooperative program, which is supervised industrial or field experience of at least one academic calendar ~~calendar~~ year which alternates with periods of full-time academic training, when such program is certified by the university, or

(2) Credit shall be given for professional engineering experience as defined by rule for employment prior to receipt of a baccalaureate degree if the employment is full-time while the applicant takes 8 or more years (16 semesters or 24 quarters minimum) as a part-time student to earn the degree concurrent with

the employment.

The Board may conduct oral interviews of any applicant under Sections 10, 11 or 19 to assist in the evaluation of the qualifications of the applicant.

It is the responsibility of the applicant to supplement the application, when requested by the Board, by provision of additional documentation of education, including transcripts, course content and credentials of the engineering college or college granting related science degrees, or of work experience to permit the Board to determine the qualifications of the applicant. The Department may require an applicant, at the applicant's expense, to have an evaluation of the applicant's education in a foreign country by a nationally recognized educational body approved by the Board in accordance with rules prescribed by the Department.

An applicant who graduated from an engineering program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule ~~before taking the licensure examination~~.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 325/10) (from Ch. 111, par. 5210)

Sec. 10. Minimum standards for examination for licensure as professional engineer. To qualify for licensure as a professional engineer each applicant shall be:

(a) A graduate of an approved engineering curriculum of at least 4 years who submits acceptable evidence to the Board of an additional 4 years or more of experience in engineering work of a grade and character which indicate that the individual may be competent to practice professional engineering, and who then passes a nominal 8-hour written examination in the fundamentals of engineering, and a nominal 8-hour written examination in the principles and practice of engineering. Upon passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(b) A graduate of a non-approved engineering curriculum or a related science curriculum of at least 4 years and meeting the requirements as set forth by rule, who submits acceptable evidence to the Board of an additional 8 years or more of experience in engineering work of a grade and character which indicate that the individual may be competent to practice professional engineering, and who then passes a nominal 8-hour written examination in the fundamentals of engineering and a nominal 8-hour written examination in the principles and practice of engineering. Upon passing both examinations, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State; or

(c) An engineer intern who meets the education and experience qualifications of subsection (a) or (b) of this Section and has passed the nominal 8-hour written examination in the fundamentals of engineering, by application and payment of the required fee, may then take the nominal 8-hour written examination in the principles and practice of engineering. Upon passing that examination, the applicant, if otherwise qualified, shall be granted a license to practice professional engineering in this State.

(d) When considering an applicant's qualifications for licensure under this Act, the Department may take into consideration whether an applicant has engaged in conduct or actions that would constitute a

violation of the Standards of Professional Conduct for this Act as provided for by administrative rules.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 325/12) (from Ch. 111, par. 5212)

Sec. 12. Educational credits or teaching as equivalent of experience. (a) After earning an acceptable baccalaureate degree as required by subsection (a) or (b) of Section 10 in engineering or related science and upon completion of a Master's degree in engineering, the applicant may receive one year of experience credit. Upon completion of a Ph.D. in engineering, an applicant may receive an additional year experience credit for a maximum of 2 years.

(b) Teaching engineering subjects in an engineering college is considered experience in engineering.

(c) ~~(Blank). For an individual applying for licensure as a professional engineer under subsection (a) or (b) of Section 10, the examination for the fundamentals of engineering shall be waived, if application is made before January 1, 1994, for those individuals who have:~~

~~(1) a doctoral degree from an approved graduate engineering program, and~~

~~(2) demonstrated, in accordance with standards set by rule, a broad knowledge of the fundamentals of engineering, by course work gained either in a baccalaureate, masters, or doctoral program.~~

(Source: P.A. 86-667.)

(225 ILCS 325/14) (from Ch. 111, par. 5214)

Sec. 14. Seal. Every professional engineer shall have a seal or stamp, the print impression of which shall be reproducible and contain the name of the professional engineer, the professional engineer's license number, and the words "Licensed Registered Professional Engineer of Illinois". Any reproducible ~~seal or~~ stamp heretofore authorized under the laws of this state for use by a professional engineer, including those with the words "Registered Professional Engineer of Illinois", shall serve the same purpose as the seal provided for by this Act. When technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by the computer. Signatures generated by computer shall not be permitted.

The professional engineer who has contract responsibility shall seal a cover sheet of the technical submissions, and those individual portions of the technical submissions for which the professional engineer is legally and professionally responsible. The professional engineer practicing as the support design professional shall seal those individual portions of technical submissions for which the professional engineer is legally and professionally responsible.

The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work has been prepared by or under the personal supervision of the professional engineer or developed in conjunction with the use of accepted engineering standards. The use of the seal further represents that the work has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

It is unlawful to affix one's seal to technical submissions if it

masks the true identity of the person who actually exercised direction, control and supervision of the preparation of such work. A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions, where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved by the professional engineer who originally sealed and signed the technical submissions.

(Source: P.A. 88-372.)

(225 ILCS 325/15) (from Ch. 111, par. 5215)

Sec. 15. Technical submissions. All technical submissions prepared by or under the personal supervision of a professional engineer shall bear that professional engineer's seal, signature, and license expiration date. The licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal. Computer generated signatures are not permitted.

All technical submissions intended for use in construction in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal ordinances in such documents. In recognition that professional engineers are licensed for the protection of the public health, safety and welfare, documents shall be of such quality and scope, and be so administered as to conform to professional standards.

(Source: P.A. 89-61, eff. 6-30-95.)

(225 ILCS 325/17.5 new)

Sec. 17.5. Continuing education. The Department may promulgate rules of continuing education for persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the guidelines for the continuing education requirements. The requirements of this Section apply to any person seeking renewal or restoration under Section 17 or 18 of this Act.

(225 ILCS 325/20) (from Ch. 111, par. 5220)

Sec. 20. Fees.

(a) The Department shall provide by rule for a schedule of fees be paid for licenses by all applicants. All fees are not refundable.

(b) The fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration, shall be set by rule by the Department. The following fees are not refundable:

~~(a) Certificate of engineer intern.~~

~~(1) The fee for application for a certificate of enrollment is \$20.~~

~~(2) In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for each examination has been received and acknowledged by the Department or the designated testing~~

service, shall result in the forfeiture of the examination fee.

~~(b) Certificate of professional engineer.~~

~~(1) The fee for application for a license by examination is \$100.~~

~~(2) In addition, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for each examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.~~

~~(3) The fee for application for a license by endorsement for a professional engineer registered or licensed under the laws of another state or territory of the United States or of a foreign country or province is \$100.~~

~~(4) The biennial fee for the renewal of a license shall be~~

~~\$60.~~

~~(5) The fee for application for the restoration of a license other than from inactive status is \$10 plus payment of all lapsed renewal fees.~~

~~(c) Professional design firm registration fees.~~

~~(1) The fee for application for a certificate of registration as a professional design firm is \$75.~~

~~(2) The biennial fee for renewal of a certificate of registration as a professional design firm shall be \$75.~~

~~(d) General fees.~~

~~(1) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.~~

~~(2) The fee for a certification of a registrant's record for any purpose is \$20.~~

~~(3) The fee for retabulating the numerical score of an examination is the cost to the Department of retabulating the examination, plus any fees charged by the applicable testing service to have the examination retabulated.~~

~~(4) The fee for a wall certificate showing licensure is the actual cost of producing such a certificate.~~

~~(5) The fee for a roster of persons licensed as professional engineers and of professional design firms in this State is the actual cost of producing such a roster.~~

~~(e) Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of \$100 shall be imposed. The fines imposed by this Section are in addition to any other discipline~~

~~provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, he or she shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.~~

~~(c)(f) Disposition of fees and fines collected. All the fees and fines collected pursuant to this Section shall be deposited in the Design Professionals Administration and Investigation Fund. Of the moneys deposited into the Design Professionals Administration and Investigation Fund, the Department may use such funds as necessary and available to produce and distribute newsletters to persons licensed under this Act.~~

~~(Source: P.A. 88-91; 88-428; 88-670, eff. 12-2-94; 89-61, eff. 6-30-95; 89-235, eff. 8-4-95.)~~

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(225 ILCS 325/23) (from Ch. 111, par. 5223)

Sec. 23. Professional design firm registration.

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act, as amended, of a corporation to practice professional engineering.

Any business, including a Professional Service Corporation, that not formed under the provisions of the Professional Service Corporation Act and not registered as such with the Department, and which includes within its stated purposes or practices, or holds itself out as available to practice, professional engineering, shall be registered with the Department pursuant to the provisions set forth in this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering professional engineering services to the public. Any sole proprietorship owned and operated by a professional engineer with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a professional engineer with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm. "Illinois licensed design professional" means a person who holds an active license as a professional engineer under this Act, as an

architect under the Illinois Architecture Practice Act of 1989, or as a structural engineer under the Structural Engineering Licensing Act of 1989.

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of professional engineering activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional engineering in Illinois.

No individual whose license to practice professional engineering in this State is currently in a suspended or revoked status shall act as a managing agent for a professional design firm.

(c) Any business seeking to be registered under this Section shall make application on a form provided by the Department and shall provide such information as requested by the Department, which shall include, but not be limited to:

(1) the name and license number of the person designated as the managing agent in responsible charge of the practice of professional engineering in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all office locations at which the professional design firm provides professional engineering services to the public; and

(4) a list of all assumed names of the business. Nothing in this Section shall be construed to exempt a professional

design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(d) The Department shall issue to each business a certificate of registration to practice professional engineering or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and professional design firm shall notify the Department of this fact in writing, by certified mail, within 10 business days of such termination. Thereafter, the professional

design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and license number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30 day period.

If the professional design firm has not notified the Department in writing, by certified mail within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by certified mail to the last known address of the business. If the professional design firm continues to operate and offer professional engineering services after the termination, the Department may seek prosecution under Sections 24, 39, and 40 of this Act for the unlicensed practice of professional engineering.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing professional engineering be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed professional engineer. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

(Source: P.A. 88-428; 89-594, eff. 8-1-96.)

(225 ILCS 325/24) (from Ch. 111, par. 5224)

Sec. 24. Rules of professional conduct; Disciplinary action.

(a) The Department shall adopt rules setting standards of professional conduct and establish appropriate penalty for the breach of such rules. The Department may, singularly or in combination, refuse to issue, restore, or renew a license or registration, revoke or suspend a license or registration, or place on probation, reprimand, or impose a civil penalty not to exceed \$10,000 upon any person, corporation, partnership, or professional design firm licensed or registered under this Act for any one or combination of the following:

(1) Material misstatement in furnishing information to the Department.

(2) Failure to comply with any provisions of this Act or any of its rules.

(3) Conviction of any crime under the laws of the United States, or any state or territory thereof, which is a felony, whether related to practice or not, or conviction of any crime, whether a felony, misdemeanor, or otherwise, an essential element

of which is dishonesty or which is directly related to the practice of engineering.

(4) Making any misrepresentation for the purpose of obtaining licensure, or in applying for restoration or renewal; or practice of any fraud or deceit in taking any examination to qualify for licensure under this Act.

(5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment.

(6) Negligence, incompetence or misconduct in the practice of professional engineering as a licensed professional engineer or in working as an engineer intern.

(7) Aiding or assisting another person in violating any provision of this Act or its rules.

(8) Failing to provide information in response to a written request made by the Department within 30 days after receipt of such written request.

(9) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

(10) Habitual intoxication or addiction to the use of drugs.

(11) Discipline by the United States Government, another state, District of Columbia, territory, foreign nation or government agency, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually or personally rendered.

(13) A finding by the Board that an applicant or a registrant has failed to pay a fine imposed by the Department, a registrant whose license has been placed on probationary status has violated the terms of probation, or a registrant has practiced on an expired, inactive, suspended, or revoked license.

(14) Signing, affixing the professional engineer's seal or permitting the professional engineer's seal to be affixed to any technical submissions not prepared as required by Section 14 or completely reviewed by the professional engineer or under the professional engineer's direct supervision.

(15) Physical illness, including but not limited to deterioration through the aging process or loss of motor skill, which results in the inability to practice the profession with reasonable judgment, skill or safety.

(16) The making of a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.

(17) Failing to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest as required by a tax Act administered by the Illinois Department of Revenue, until such

time as the requirements of any such tax Act are satisfied.

(a-5) In enforcing this Section, the Board upon a showing of a possible violation may compel a person licensed to practice under this Act, or who has applied for licensure or certification pursuant to this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The examining physicians shall be those specifically designated by the Board. The Board or the Department may order the examining physician to present testimony concerning this mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The person to be examined may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of any person to submit to a mental or physical examination, when directed, shall be grounds for suspension of a license until the person submits to the examination if the Board finds, after notice and hearing, that the refusal to submit to the examination was without reasonable cause.

If the Board finds a person unable to practice because of the reasons set forth in this Section, the Board may require that person to submit to care, counseling, or treatment by physicians approved or designated by the Board as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice; or, in lieu of care, counseling, or treatment, the Board may recommend to the Department to file a complaint to immediately suspend, revoke, or otherwise discipline the license of the person. Any person whose license was granted, continued, reinstated, renewed, disciplined, or supervised subject to such terms, conditions, or restrictions and who fails to comply with such terms, conditions, or restrictions shall be referred to the Director for a determination as to whether the person shall have his or her license suspended immediately, pending a hearing by the Board.

(b) The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code, as now or hereafter amended, operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Director that the registrant be allowed to resume practice.

(Source: P.A. 88-372; 88-428; 88-670, eff. 12-2-94; 89-61, eff. 6-30-95.)

(225 ILCS 325/44) (from Ch. 111, par. 5244)

Sec. 44. Fund; appropriations; investments; audits. Moneys deposited in the Design Professionals Administration and Investigation Fund shall be appropriated to the Department exclusively for expenses of the Department and the Board in the administration of this Act, the Illinois Professional Land Surveyor Act of 1989, the Illinois Architecture Practice Act, and the Structural Engineering Licensing Act of 1989. The expenses of the Department under this Act shall be limited to the ordinary and contingent expenses of the Design Professionals Dedicated Employees within the Department as established under Section 62.1 of the Civil Administrative Code of Illinois and other expenses related to the

administration and enforcement of this Act.

Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 61e of

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the Civil Administrative Code of Illinois.

Moneys in the Design Professionals Administration and Investigation Fund may be invested and reinvested with all earnings received from the investments to be deposited in the Design Professionals Administration and Investigation Fund and used for the same purposes as fees deposited in the Fund.

All fines and penalties under Section 24, ~~and~~ Section 39, Section 42, and Section 43 shall be deposited in the Design Professionals Administration and Investigation Fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that audit includes an audit of the Design Professionals Administration and Investigation Fund, the Department shall make the audit report open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

(Source: P.A. 89-204, eff. 1-1-96.)

Section 99. Effective date. This Act takes effect January 1, 2000, except that Section 5 takes effect upon becoming law.".

There being no further amendments, the foregoing Amendment No. 1, was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 218** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator T. Walsh, **Senate Bill No. 249** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Donahue, **Senate Bill No. 251** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 257** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 258** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 288** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 355** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 356** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 357** having been

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printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 367** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 368** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 377** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator O'Malley, **Senate Bill No. 378** having been printed, was taken up, read by title a second time and ordered to a third reading.

READING BILLS OF THE SENATE A THIRD TIME

On motion of Senator Hawkinson, **Senate Bill No. 147**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito

del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President
Geo-Karis	Mahar	Shadid	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Sieben, **Senate Bill No. 150**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President
Geo-Karis	Mahar	Shadid	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Link, **Senate Bill No. 215**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

Berman	Halvorson	Maitland	Shaw
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Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President
Geo-Karis	Mahar	Shadid	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Bowles, **Senate Bill No. 304**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: Yeas 59; Nays None.

The following voted in the affirmative:

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Berman	Halvorson	Maitland	Shaw
Bomke	Hawkinson	Molaro	Sieben
Bowles	Hendon	Munoz	Silverstein
Burzynski	Jacobs	Myers	Smith
Clayborne	Jones, E.	Noland	Sullivan
Cronin	Jones, W.	Obama	Syverson
Cullerton	Karpiel	O'Daniel	Trotter
DeLeo	Klemm	O'Malley	Viverito
del Valle	Lauzen	Parker	Walsh, L.
Demuzio	Lightford	Peterson	Walsh, T.
Dillard	Link	Petka	Watson
Donahue	Luechtefeld	Radogno	Weaver
Dudycz	Madigan, L.	Rauschenberger	Welch
Fawell	Madigan, R.	Rea	Mr. President
Geo-Karis	Mahar	Shadid	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

LEGISLATIVE MEASURES FILED

The following floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Amendment No. 1 to Senate Bill 110

Senate Amendment No. 1 to Senate Bill 389

INTRODUCTION OF BILLS

SENATE BILL NO. 1185. Introduced by Senator Trotter, a bill for AN ACT making appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1186. Introduced by Senator Sullivan, a bill for AN ACT to amend the Illinois Vehicle Code by changing Section 3-815.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1187. Introduced by Senator Burzynski, a bill for AN ACT to amend the Illinois Vehicle Code by changing Sections 12-205 and 12-205.1 and adding Sections 12-205.2 and 12-205.3.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1188. Introduced by Senator Sieben, a bill for AN ACT in relation to animal disease.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1189. Introduced by Senator Noland, a bill for AN ACT to amend the Illinois Farm Development Act.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

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SENATE BILL NO. 1190. Introduced by Senator Lauzen, a bill for AN ACT to amend the Property Tax Code by adding Section 10-153.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1191. Introduced by Senator Sullivan, a bill for AN ACT regarding unclaimed property.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1192. Introduced by Senator Cronin, a bill for AN ACT to amend the School Code by changing Section 34-8.3.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1193. Introduced by Senator Molaro, a bill for

AN ACT to amend the Riverboat Gambling Act by changing Section 7.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1194. Introduced by Senator Watson, a bill for AN ACT to preserve live horse racing in this State, amending named Acts.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1195. Introduced by Senator Burzynski, a bill for AN ACT to amend the Environmental Protection Act by changing Section 21.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1196. Introduced by Senator Myers, a bill for AN ACT to amend the Illinois Pension Code by changing Section 15-159 and adding Section 15-159.1.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1197. Introduced by Senator Burzynski, a bill for AN ACT to amend the Freedom of Information Act by changing Section 6.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1198. Introduced by Senators Klemm - Philip, a bill for AN ACT to amend the Property Tax Code by changing Section 15-165.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 1199. Introduced by Senators Maitland - Philip, a bill for AN ACT to amend the Livestock Management Facilities Act by adding Section 12.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 135, sponsored by Senator Rauschenberger was taken

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up, read by title a first time and referred to the Committee on Rules.

House Bill No. 335, sponsored by Senator Watson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 420, sponsored by Senator Peterson was taken up,

read by title a first time and referred to the Committee on Rules.

House Bill No. 486, sponsored by Senator Rauschenberger was taken up, read by title a first time and referred to the Committee on Rules.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION NO. 53

Offered by Senator E. Jones and all Senators:
Mourns the death of Mary Priscilla Bates of Chicago.

SENATE RESOLUTION NO. 54

Offered by Senator Cullerton and all Senators:
Mourns the death of Chicago film critic Gene Siskel.

The foregoing resolutions were referred to the Resolutions Consent Calendar.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO 22

A bill for AN ACT regarding appropriations.

Passed the House, March 2, 1999.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 12:58 o'clock p.m., on motion of Senator Philip, the Senate stood adjourned until Wednesday, March 3, 1999 at 12:00 o'clock noon.